

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. S-1417 of 2013

Date	Order with signature of Judge
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1. For orders on office objection as at 'A' :
2. For hearing of CMA No.7070/2013 (Stay) :
3. For hearing of main case:

01.12.2021 :

Shaikh Liaquat Hussain Advocate for the petitioner.
Mr. Khalid Rashid Advocate for respondent No.1

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Rent Case No.665/2009 filed by respondent No.1 against the petitioner for his eviction from the subject premises on the ground of default in payment of monthly rent was dismissed on the ground that the relationship of landlord and tenant between the parties did not exist. The said dismissal was impugned by respondent No.1 in FRA No.150/2012 which was allowed by the learned appellate Court vide impugned judgment dated 29.10.2013 by directing the petitioner to vacate the subject premises within sixty (60) days. It is contended by learned counsel for the petitioner that Suit No.852/2009 (new Suit No.291/2011) filed by the petitioner in relation to the title of the subject premises is subjudice before the learned trial Court. Be that as it may, he concedes that the title of respondent No.1 in respect of the subject premises is still intact ; the petitioner has not yet acquired the title in respect of the subject premises ; and, the Suit filed by the petitioner has not yet been decreed. After making his submissions at some length and after seeking instructions from the petitioner, the learned counsel requests that a reasonable time be granted to the petitioner to vacate the subject premises. This request has not been opposed by learned counsel for respondent No.1. He states that the said respondent has filed a Suit against the petitioner for recovery of the arrears of rent in respect of the subject premises, which is subjudice before the learned trial Court.

Accordingly, the petitioner is directed to vacate the subject premises within six (06) months i.e. latest by **31.05.2022**, failing which the writ of possession shall be issued against him without notice to him. It is clarified that this order shall not affect the merits of the case of either of the parties in the Suits filed by them against each other which shall be decided by the learned trial Court on merits strictly in accordance with law.

By consent, the petition and listed application stand disposed of in the above terms with no order as to costs.

J U D G E