

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S – 35 of 2022

Date	Order with signature of Judge
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For orders on CMA No.234/2022 (Urgency) :
For order on office objections 27 & 31 as at 'A' :
For orders on CMA No.235/2022 (Exemption) :
For orders on CMA No.236/2022 (Stay) :
For hearing of main case :

18.01.2022 :

Syed Tajuddin, advocate for the petitioner.

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NADEEM AKHTAR, J . – Rent Case No.351/2020 was filed by respondent No.1 / landlord against the petitioner / tenant for his eviction, wherein a tentative rent order was passed by the learned Rent Controller on 17.07.2021 under Section 16(1) of the Sindh Rented Premises Ordinance, 1979. Through the aforesaid order, the petitioner was directed to deposit within thirty (30) days an amount of Rs.500,000.00, being the arrears of rent for the period October 2020 to July 2021 at the rate of Rs.50,000.00 per month, and also to deposit the future monthly rent with effect from August 2021 at the same rate on or before the tenth day of each English calendar month. As compliance of the aforesaid order was not made by the petitioner, his defense was struck off by the learned Rent Controller through the impugned order passed on 17.09.2021 under Section 16(2) of the Ordinance of 1979, with further direction to him to vacate the demised premises within thirty (30) days. First Rent Appeal No.115/2021 filed by the petitioner against the aforesaid orders was dismissed by the learned appellate Court vide impugned judgment dated 12.01.2022. The above concurrent findings have been impugned by the petitioner through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

It is contended on behalf of the petitioner that while passing the order under Section 16(2) of the Ordinance of 1979, the learned Rent Controller did not consider the fact that the petitioner had deposited the entire amount of arrears of rent. Learned counsel, however, concedes that the entire amount of arrears of rent was not deposited by the petitioner within the time allowed by the learned Rent Controller. Perusal of the impugned order shows that after considering all the material facts on

record, the learned Rent Controller came to the conclusion that the petitioner had failed to comply with the tentative rent order ; and, the arrears of rent were not deposited by him within the stipulated period. The petitioner has not been able to point out any illegality or infirmity in the aforesaid finding of the learned Rent Controller. It is well-settled that once a tentative rent order is passed in accordance with law, compliance thereof must be made by the tenant and in case of its non-compliance, the Rent Controller does not have any other option, but to strike off his defence. This view is fortified by Safeer Travels (Pvt.) Ltd. V/S Muhammad Khalid Shafi through legal heirs, PLD 2007 S.C. 504.

The impugned orders are in accord with the law laid down by the Hon'ble Supreme Court and as such do not require any interference by this Court. Accordingly, the petition and listed applications are dismissed in limine with no order as to costs.

J U D G E