

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI  
Constitutional Petition No. S – 993 of 2021

Date	Order with signature of Judge
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For orders on CMA No.634/2022 (Urgency) :

For orders as to maintainability :

**03.02.2022** :

Mr. Muhammad Farooq, Advocate for the petitioner.

**ORDER**

**NADEEM AKHTAR, J.** – Rent Case No.237/2017 filed by respondent No.1 / landlord against the petitioner / tenant for fixation of fair rent of the demised premises under Section 8 of The Sindh Rented Premises Ordinance, 1979, was allowed by the Rent Controller vide order dated 05.10.2018, which order was not challenged by the petitioner. She, however, filed an application under Section 12(2) CPC before the Rent Controller for setting aside the said order dated 05.10.2018, which was dismissed by the Rent Controller vide impugned order dated 08.09.2021. The petitioner challenged the aforesaid order in First Rent Appeal No.105/2021 which was dismissed by the appellate Court vide impugned judgment dated 17.11.2021. Through this constitutional petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the concurrent findings of both the learned Courts below have been impugned by the petitioner.

2. Perusal of the application filed by the petitioner under Section 12(2) CPC shows that even according to the averments made therein, it was not a case of fraud and or misrepresentation as no allegations were made therein relating to any fraud and or misrepresentation committed by respondent No.1 at the time of passing of the order dated 05.10.2018. Thus, the application filed by the petitioner was not compliant of the mandatory requirement envisaged in Section 12(2) CPC. It is well-settled that in the absence of such specific allegations and details, the provision of Section 12(2) CPC cannot be invoked. Learned counsel has not been able to point out any illegality or infirmity in the concurrent findings of the learned Courts below and as such they do not require any interference by this Court. Accordingly, the petition and the application pending therein are dismissed in limine with no order as to costs.

J U D G E