

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S – 157 of 2012

Date	Order with signature of Judge
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For hearing of CMA No.698/2022 (Stay) :

For hearing of main case :

09.02.2022 :

Syed Amir Shah, advocate for the petitioner.

Mr. Abid Hussain advocate, holding brief for Mr. Islamuddin Ayubi,
advocate for respondent No.1.

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NADEEM AKHTAR, J. – The eviction application filed by respondent No.1 against the petitioner on the ground of default in payment of the monthly rent was allowed by the learned Rent Controller and the appeal filed by her was dismissed by the learned appellate Court. Through this constitutional petition, the concurrent findings of the learned Courts below have been impugned by the petitioner. It appears that the only ground on which the petitioner has resisted and is still resisting the eviction proceedings is that there was no relationship of landlord and tenant between the parties. This question has been decided against her concurrently by both the learned Courts below.

2. In support of his contention that there was/is no relationship of landlord and tenant between the parties, learned counsel submits that the possession of the subject premises was acquired by the petitioner from her predecessor. However, no document whatsoever has been placed on record or even referred to in order to show that the petitioner's predecessor had any title in respect of the subject premises or the same were handed over to her by her said predecessor. Learned counsel states that Suit No.1222/2008 filed by the petitioner in respect of the subject premises was decreed in her favour. The record shows that the said Suit for injunction was filed by the petitioner with the only prayer that respondent No.1 be restrained from dispossessing her from the subject premises without due process of law. Learned counsel concedes that the petitioner and or her predecessor never filed any Suit before the competent civil Court seeking a declaration that they were the owners of the subject premises. Therefore, it is an admitted position that the petitioner does not have any title in her favour nor any material in this

regard was produced by her before the learned Courts below or before this Court.

3. Despite having failed in showing any right, title or interest in the subject premises, the petitioner disputed the title of respondent No.1 and questioned the relationship of landlord and tenant between the parties. It is well-settled that a tenant has no *locus standi* to question or challenge the title of the owner of the premises of which he is a tenant.

4. In the above circumstances, the concurrent findings of the learned Courts below do not suffer from any illegality or infirmity and do not require any interference by this Court. Accordingly, the petition and listed application are dismissed with no order as to costs.

J U D G E