

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI  
Constitutional Petition No. S – 104 of 2020

Date	Order with signature of Judge
------	-------------------------------

For hearing of CMA No.392/2020 (Stay) :

For hearing of main case :

**17.02.2022** :

Mr. Manzoor Hussain, advocate for the petitioner.

.....

**NADEEM AKHTAR, J.** – Rent Case No.418/2018 was filed by respondent No.1 / landlord against the petitioner / tenant for his eviction on the grounds of personal need and default in payment of the monthly rent and utility bills. In the aforesaid case, a tentative rent order was passed by the Rent Controller on 13.03.2019 by directing the petitioner to deposit the arrears of rent with effect from February 2017 within thirty (30) days at the rate of Rs.6,000.00 per month, and the future monthly rent on or before the tenth day of each calendar month at the same rate. It was further ordered by the Rent Controller that the amount deposited by the petitioner in pursuance of the aforesaid order will be withheld with the Nazir till the final decision of the rent case. As compliance of the aforesaid order was not made by the petitioner, his defense was struck off by the Rent Controller through the impugned order dated 08.10.2019 with further direction to him to vacate the demised premises within thirty (30) days. First Rent Appeal No.161/2019 filed by the petitioner against his eviction was dismissed by the appellate Court vide impugned order dated 20.12.2019. Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has impugned the concurrent findings of the learned Courts below.

It is an admitted position that compliance of the tentative rent order was not made by the petitioner. Therefore, the Rent Controller had no option, but to strike off his defence as held by the Hon'ble Supreme Court in Safeer Travels (Pvt.) Ltd. V/S Muhammad Khalid Shafi through legal heirs, PLD 2007 S.C. 504. The impugned order is in accord with the law laid down by the Hon'ble Supreme Court and as such does 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