ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI

C.P. No.S-226 of 2022

Date

Order with Signature(s) of Judge(s)

Fresh case

- 1. For orders on CMA No. 1483/2022.
- 2. For order on office objections No. 12 & 18 as at 'A'.
- 3. For orders on CMA No. 1484/2022.
- 4. For orders on CMA No. 1485/2022.
- 5For hearing of main case.

09.03.2022

Mr. Shab Alam, Advocate for Petitioners.

- 1. Urgent application is granted.
- 2. Office objections are deferred.
- 3. Exemption is granted subject to all just exceptions.

4&5. Respondent No.1 herein filed rent ejectment application being Rent Case No.371 of 2016 against the petitioners before the IXth Rent Controller Karachi-East under section 15 of the Sindh Rented Premises Ordinance, 1979 in respect of House bearing No.4/1185, Block No.4, measuring 80 Sq. Yds., situated in Shah Faisal Township, Karachi, (subject premises) on the ground of default in payment of monthly rent from January, 2015. The petitioners resisted rent case by filing written statement. The learned Rent Controller after recording evidence and hearing of learned counsel for the parties allowed rent ejectement application vide order, dated 08.10.2021, by attending the issue of relationship between the parties as landlord and tenant and directing the petitioners to vacate the subject premises and handover its possession to respondent No.1 within a period of 30 days from the date of the order. Against that, the petitioners preferred First Rent Appeal No.127 of 2021, which also was dismissed by the learned District Judge-Karachi East vide order dated 29.01.2022. It is against that concurrent finding of the Courts below on issues of default and relationship of landlord and tenant between the parties instant Constitution Petition has been maintained by the petitioners.

Learned counsel for the petitioners files an application under section 151 C.P.C., duly supported with affidavit of petitioner No.2 and states that the petitioners do not contest the matter on merits; however, pray that since no time has been granted by the Appellate Court while dismissing the FRA to vacate the subject premises, this Court may grant four months' time to petitioners for such purpose as due to financial restraint they are not in position to arrange alternate accommodation. The application is taken on record with direction to office to assign CMA number to it.

Considering the contention of learned counsel for the petitioners, the instant petition is dismissed in limine with pending application; however, four months' time is granted to petitioners from today to vacate the subject premises by handing over its possession to respondent No.1 through Nazir of the IXth Rent Controller Karachi East. The petitioners shall deposit amount of existing rent of intervening period with the Nazir of the said Rent Controller on or before 05th day of each month and this would be without prejudice to the claim of the respondent No.1 with regard to arrears of rent, if any. In case of failure in vacating the subject premises within four months hereof, the learned Rent Controller Karachi East shall issue writ of possession with police aid without notice to petitioners for getting the subject premises vacated and handing over its possession to respondent No.1.

JUDGE