

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No.S-308 of 2021

Mst. Saima
Versus
Mst. Marium Bibi & others

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

1. For orders on CMA 2074/21
2. For orders on CMA 2038/21
3. For hearing of main case
4. For orders on CMA 2039/21

Dated: 08.04.2021

Mr. Saud Ahmed Khan for petitioner.

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Learned counsel for petitioner at the very outset has made a false statement that the eviction application and order was only on account of default. In substance it is found to be an incorrect statement as though eviction application is not annexed with the memo of petition however learned counsel himself conceded during the course of arguments that the eviction of petitioner was also sought on the ground of personal requirement, in addition to default. Be that as it may, it is only a tentative rent order which was not complied with and in consequence whereof application under section 16(2) of Sindh Rented Premises Ordinance, 1979 was filed and the defence of petitioner was struck off and petitioner was directed to vacate the demised premises. Petitioner preferred an appeal, which concurred with the reasoning of Rent Controller.

Since petitioner has failed to comply with the tentative rent order, no interference as to eviction order of the Rent Controller as well as of appellate Court is required and petitioner does not deserve any lenient attitude from this Court, he requested for a reasonable time to

vacate the demised premises. Considering coming month of Ramazan as the petitioner is likely to be dispossessed from the demised premises by executing Court, I deem it appropriate, and as conceded by petitioner's counsel, since he has requested for reasonable time to vacate the premises, I allow petitioner to retain the possession of the demised premises for another period of 45 days so that she may enjoy holy month of Ramazan in the demised premises. However, it shall be strictly subject to payment of arrears of rent as required in terms of tentative rent order passed by Rent Controller under section 16(1) of Sindh Rented Premises Ordinance, 1979 within 15 days as well as future monthly rent in advance. Dues of all utility bills of the premises shall also be cleared within a week's time and copy of paid bills be deposited/handed over to the landlady/respondent No.1, failing whereof writ of possession shall be issued forthwith without any notice with police aid with permission to break open the lock.

Petition stands disposed of in the above terms along with listed applications.

Judge