

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

C.P. No.S-976 of 2017

Mst. Zareen Ali  
Versus  
Ajaz Ali Sehto & others

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

**Date of hearing: 12.02.2018**

Mr. Muhammad Safdar for petitioner.

Mian Mushtaq Ahmed along with Mr. Ishtiaq A. Memon for respondent No.1.

-.-.-

**Muhammad Shafi Siddiqui, J.**- This petition is against the concurrent findings of two Courts below. Respondent No.1 filed an application under section 8 of Sindh Rented Premises Ordinance, 1979 for determination of fair rent which was allowed followed by dismissal of appeal against such order. It is the case of the respondent that he purchased the demised premises and accordingly issued notice under section 18 of Sindh Rented Premises Ordinance, 1979 duly signed and attorned by the previous landlord/Rent Collector followed by filing of application under section 8 of Sindh Rented Premises Ordinance, 1979.

Mr. Muhammad Safdar, learned counsel for petitioner, submitted that there is no relationship of landlord and tenant between the parties and even no title documents were filed by respondent No.1, either before the Rent Controller or the appellate Court. It is only on the basis of an agreement of sale that respondent No.1 has claimed ownership. He submitted that the relationship was decided in affirmative in favour of respondent No.1 by the Courts below on the basis of notice under

section 18 of Sindh Rented Premises Ordinance, 1979 and sale agreement.

Mian Mushtaq Ahmed, learned counsel appearing for respondent No.1, in response to the arguments of counsel for petitioner, relied upon the contents of notice under section 18 of Sindh Rented Premises Ordinance, 1979 duly signed by the previous landlord/Rent Collector who inducted the petitioner in the demised premises. He further submitted that such notice under section 18 of Sindh Rented Premises Ordinance, 1979 was replied by the petitioner and the money order was also sent for the month of January 2013 followed by further money orders and pay order without any objection. He contended that the objection was raised only while tendering the first money order for the month of January 2013 to the effect that the sale deed or title documents were not submitted. He submitted that without prejudice to the contents of the letter of attornment in terms of section 18 of Sindh Rented Premises Ordinance, 1979, a suit for specific performance has also been decreed subsequently. Learned counsel submitted that the only condition set by the Rent Controller as well as by the appellate Court was that the rent could only be withdrawn subject to furnishing either title documents or decree of specific performance.

I have heard the learned counsel and perused the material available on record.

Although this is not a case of personal requirement of the landlord but the previous landlord/Rent Collector has signed letter of attornment enabling and authorizing the applicant/respondent No.1 to claim and receive the rent. Respondent No.1 has not only claimed rent but he claimed fair rent and for its determination filed the application under section 8 of Sindh Rented Premises Ordinance, 1979 before the concerned Rent Controller. It does not lie in the mouth of petitioner either to challenge the title of the previous landlord i.e. Bilal A. Malik to

whom he (petitioner) was tendering the rent or to whom the previous landlord has delegated such powers by way of letter of attornment and the relationship was thus rightly held by the Courts below.

There is no cavil that on the basis of a sale agreement only such relationship cannot be decided but if such sale agreement is coupled with notice under section 18 of Sindh Rented Premises Ordinance, 1979 along with letter of attornment then it cannot be said to be just an agreement of sale. Such letter of attornment delegates all such authorities and powers required by a subsequent buyer to initiate proceedings, as initiated by respondent No.1 in the matter.

Apart from the above, no other ground on merit as to the determination of fair rent was raised by the petitioner's counsel despite the fact that he was asked twice as to the merits of the case which he failed.

In view of the above no interference is required in the findings of the two Courts below. The petition was accordingly dismissed along with listed application vide short order dated 12.02.2018 for the above reasons.

Dated:

**Judge**