Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S – 613 of 2020

Date	Order with signature of Judge

Hearing of case / priority :

For hearing of CMA No.3760/2021 (Stay) :
For hearing of main case :

15.08.2022 :

Syed Amir Ali Shah Jeelani, advocate for the petitioner.
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NADEEM AKHTAR, J. – Rent Case No.20/2020 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. In the aforesaid case, a tentative rent order was passed by the Rent Controller on 05.01.2021 by directing the petitioner to deposit the rent for the month of January 2021 at the rate of Rs.35,000.00 and future monthly rent by 10th day of each English calendar month at the same rate with the Nazir of the Court till final disposal of main ejectment application. 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 14.04.2021 with further direction to him to vacate the demised premises within sixty (60) days. First Rent Appeal No.62/2021 filed by the petitioner against his eviction was dismissed by the appellate Court vide impugned order dated 15.07.2021. 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 defense 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 orders are in accord with the law laid down by the Hon'ble Supreme Court and as such 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