

*Order Sheet*

IN THE HIGH COURT OF SINDH AT KARACHI

**C. P. No. S – 209 of 2022**

Date	Order with Signature of Judge
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1. For hearing of CMA No.1382/2022 (Stay) :
2. For hearing of main case :

**16.08.2022** :

Syeda Shazia Touquir Advocate for the petitioner.  
Mr. Atiqur Rehman Khan Advocate for respondent No.1.

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Through this petition, the petitioner has impugned the tentative rent order passed on 17.02.2022 in Rent Case No.39/2021 by the Rent Controller under Section 16(1) of The Sindh Rented Premises Ordinance, 1979, whereby the petitioner has been directed to deposit the arrears of rent from January 2015 to February 2022 for a period of eighty six (86) months. It was also held in the impugned tentative rent order that the relationship of landlord and tenant between the parties exists as it was an admitted position. The main ground urged on behalf of the petitioner is that the impugned tentative rent order, on the face of it, is illegal and without jurisdiction as the Rent Controller had no jurisdiction to pass such an order for a period of exceeding thirty six (36) months / three (03) years. The contention of the petitioner appears to be correct and learned counsel for respondent No.1 has not been able to justify such illegality in the impugned order. In such circumstances, the impugned order dated 17.02.2022 is hereby set aside to the extent of the above direction regarding the deposit of rent with direction to the Rent Controller to decide the application filed by the present respondent No.1 / applicant under Section 16(1) of The Sindh Rented Premises Ordinance, 1979, within thirty (30) days strictly in accordance with law and after hearing the parties. Let this order be communicated forthwith to the Rent Controller for compliance. The petition and listed application stand disposed of in the above terms with no order as to costs.

JUDGE