

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
FRA No.41 of 2019

Date Order with signature(s) of Judge(s)

1. For hearing of CMA No.5149/2019 (stay)
 2. For hearing of main case
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12.04.2021

Mr. Ghulam Akbar Jatoi, advocate for appellant
Mr. Faraz Faheem Siddiqui, advocate for respondent

A tentative rent order was passed on 29.04.2019 whereby the amount deposited in the sum of Rs.250,000/- was adjusted towards 25 months' rent out of 44 months from September 2015 to December, 2018. After adjusting Rs.250,000/-, Rs.190,000/- out of the aforesaid months was ordered to be deposited along with future rent of Rs.10,000/- per month on the 05th of each calendar month. The order perhaps was not complied and the defence was struck off vide order dated 22.08.2019. The appellant has filed this appeal on the ground that the amount has already been deposited. The alleged payment was disclosed in para 7 of the memo of appeal. At the very outset, an amount of Rs.190,000/- was not deposited in pursuance of and in compliance of the order of the Clifton Cantonment Board and pursuant to the order of 29.04.2019 a bill of paint and colour at serial No.13 and 14 was said to have been adjusted. The amount of rent could never be adjusted towards the maintenance of the building unless such permission is obtained from the Rent Controller in terms of Section 15 of the Cantonments Rent Restriction Act, 1963. Even otherwise, the future rent was also not deposited in time as it was deposited beyond 05th of each English calendar month as ordered. Admittedly there was not only defiance of the payment of the arrears of rent as it was claimed to have adjusted towards maintenance bill of the building/premises but the future rent was also not complied in strict terms of the order of the Rent Controller. No interference as such is required and the appeal is dismissed. The R and Ps be sent back to the Rent Controller.

J U D G E

Gulsher/PS