

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. S-1745 of 2016

Date: Order with signature of Judge

1. For hearing of MA No.7575/16
2. For hearing of main case

11.12.2018

None present
.x.x.x.x.

Petitioner impugns two independent orders in this petition. The first order is arising out of an Ex. Application No.44/2016 whereby the execution application was allowed and writ of possession was issued in pursuance of the ejectment order passed in R.C. No.206/2015. The other order challenged by the petitioner is the judgment passed in FRA No.78/2016 which was also passed on 20.10.2016.

Insofar as the first order passed by the executing Court is concerned, no substantial ground has been raised as the points raised in the memo of petition have already been considered by the Rent Controller at the time of passing the judgment hence the executing Court could not have travelled behind the decree. The other order passed in FRA No.78/2016 in respect of an order passed by the Rent Controller whereby the defence was struck off after holding the relationship between the parties. There was no reason to avoid the compliance and all grounds and contentions raised in the memo of petition were taken into consideration at the time of passing the rent order on 07.5.2016. The rent deposited in MRC by the petitioner was ordered to be adjusted in the rent case at the time when the tentative rent order was passed.

Besides the petitioner after filing this petition has not been pursuing this case since last so many dates. He remained absent

on 27.4.2017, 12.4.2018, 29.10.2018 so also today while under the law the litigant is always required to pursue the matter with due diligence. It seems that the petitioner has lost interest in the proceedings. The petition is therefore, dismissed along with pending applications.

Judge