

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. S-380 of 2019

Date: Order with signature of Judge

For hearing of main case

28.5.2019

Mr. S. Fazalur Rahman for petitioner

Mr. Dilawar Hussain for respondents

.X.X.X.X.

The petitioner and respondents are brother and sisters. A rent case was filed before the Rent Controller which was initially allowed, however the findings were reversed by the appellate Court as there was no relationship of landlord and tenant between the parties.

It is contended by the Counsel that earlier, suit was filed by one of the brothers challenging the title of the petitioner, which was dismissed and the title was clear in the name of the petitioner.

The title alone cannot determine the relationship of landlord and tenant between the petitioner and respondents No.1 & 2 who are not strangers to each other rather are real brother and sisters. The real brother or sister may live in a house of his/her brother and sisters however they may not necessarily be landlord and tenant. Title in these proceedings alone cannot determine the relationship of landlord and tenant. The relationship, in these circumstances, has to be established by clear evidence. On the conclusion of the arguments, learned Counsel for the petitioner submits that he would invoke the jurisdiction of civil Court for possession of the property if the civil Court be directed to decide the controversy expeditiously since a lot of time has already been consumed in litigation in rent case as well as in civil Court.

Although such directions are pre-mature, however, if a suit for possession is filed by the petitioner that may be dealt with in

accordance with law and the trial Court may dispose of the same expeditiously preferably within two years.

The petition however has no merits which is accordingly dismissed along with pending applications.

Judge