

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. S-1485 of 2018

Date: Order with signature of Judge

For hearing of main case

31.5.2019

Mr. Muhammad Siddiq Mirza for petitioner
.X.X.X.X.

This petition is arising out of the concurrent findings of two Courts below. Petitioner filed a Rent Case on the ground of default alone. There is neither any tenancy agreement nor rent receipt issued.

Learned Counsel for the petitioner submits that respondent is in possession of the subject property since 2014. He claimed to have received an amount of Rs.200,000/- and another amount of Rs.50,000/- towards rent of the premises which he claims to be rent at rate of Rs.10,000/- per month.

The Rent Controller has discussed this issue of relationship at length reasoning is available at page 73 of trial Court's judgment. Each and every assertion of the parties was taken into consideration. There is not an iota of evidence that there was ever relationship of landlord and tenant between the parties. Respondent may be in possession of the premises but having possession of premises does not mean that the only relation they have is of landlord and tenant. This was the burden to be discharged by the petitioner, which he failed. The payment of Rs.200,000/- and another amount of Rs.50,000/- does not necessarily end up as a rental proceeds. The petitioner has also failed to produce Shoaib Zaman to whom Rs.50,000/- was paid hence the two Courts below reached to the conclusion that the petitioner has failed to establish his relationship. There is nothing available on record to upset the concurrent findings of facts of two Courts below, hence no case of interference is

made out. The petition is therefore dismissed along with pending applications, if any.

The petitioner, however as he claims to be owner, may avail his remedy before the proper forum which may be dealt with in accordance with law expeditiously preferably within a year since a lot of time has already been consumed in rent proceedings.

Judge