

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. S-1298 of 2019

Date: Order with signature of Judge

For orders as to maintainability

30.1.2020

Mr. Sami Ahsan Advocate for the petitioner

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This petition impugns an order under section 16(1) Sindh Rented Premises Ordinance, 1979.

Learned Counsel for the petitioner submits that there is no reasoning assigned while dismissing the application, which is violative of provisions of the General Clauses Act. He further submits that though there is no appeal provided in terms of Section 21 of the Sindh Rented Premises Ordinance, 1979 yet the orders which do not have any reasoning or which lack the requirements of General Clauses Act could be assailed under Article 199 of the Constitution of Islamic Republic of Pakistan in a writ jurisdiction.

I have heard learned Counsel, perused the record as well as the impugned order.

In para-2 of the order the learned Rent Controller gave sufficient reason that on account of no relationship, since it was denied by the tenant and in view of absence of tenancy agreement, an order under section 16(1) Sindh Rented Premises Ordinance, 1979 could not be passed unless the relationship is established by recording evidence of the parties. This is a sufficient reason provided by the Rent Controller. Even otherwise it being an interlocutory order cannot be challenged under Article 199 of the Constitution of Islamic Republic of Pakistan, which can always be challenged along with the final order, if required to be challenged by the aggrieved party.

The petition thus merits no consideration and the same is dismissed along with pending applications.

Judge