

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP.No.S-630 of 2019

Date	Order with signature of Judge
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1. For orders on office objection as at "A"
2. For hearing of CMA No.2520 /2019
3. For hearing of main case

18th September 2020

Mr. Abdul Ali Sajan Alana, advocate for petitioner
Mr. Wasim Ahmed, advocate for respondent No. 3

Admittedly the petitioner is owner of demised premises; she filed eviction application that was dismissed on the ground that petitioner has failed to establish relationship of landlord and tenant with the respondent No.3. Counsel for respondent No. 3, is present, who contends that respondent No.3 is employee of a company i.e. M/s. Famous Art Printers, whose proprietor is one Nasir Ali. At present Nasir Ali is resident of America, whereas, chattels of company are available in the demised premises, which is godown and even respondent No. 3 is not in physical possession of that premises.

2. *Prima facie*, the ownership of the petitioner is not disputed; the question of relationship of landlord and tenant may have been in dispute but status of petitioner regarding premises is not in dispute as well respondent no.3 does not claim using it as *godown*. When confronted with the position with quarry regarding status of respondent No.3, counsel for the respondent No.3, at the outset, contends that respondent No. 3 has no nexus with the issue and in fact he, being employee of the company, only requires chattels which are available in the demised premises. The chattels are claimed as property of the company hence it is responsibility of the company to enjoy the possession of the same but not by using premises of someone else but at its own costs. Here, counsel for respondent no.3 agrees and confines its claim only to extent of securing of chattels of company.

3. Under these circumstances when admittedly, the petitioner is owner of demised premises and that godown is not in use of respondent hence there appears no legal justification to keep petitioner, an admitted owner, away from

her property particularly when the respondent no.3 (possessor) seeks securing of its article without challenging status of petitioner.

4. Accordingly impugned orders are set aside, executing court shall ensure that possession is handed over to the Petitioner. Needless to mention that notices shall be issued with regard to removal of chattels of the company, in case no one appears, the chattels shall be removed safely and shall be stored on any other safe place at the cost of company.

With the above observations, the instant petition is disposed of along with listed application.

JUDGE

Sajid