

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

C.P.No.S- 923 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of MA No.305 of 2021

28.03.2022.

Mr. Ghulam Sarwar Qureshi Advocate for petitioners
Mr. Atta Hussain Gaddi, Advocate for private respondent
Mr. Wali Muhammad Jamari, Asstt: Advocate General.

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After hearing the matter on merit with consent of both the sides' counsel and upon restoring the petition to the state it was dismissed on account of absence of the learned counsel for the petitioner, it appears that learned Rent Controller in 12 paged order has fully reproduced the version taken in the examination in chief and cross-examination of the applicants' witnesses however has chosen to remain completely silent about the version of the respondent Mateen and only following text has been mentioned in para No.6 of the impugned order about the said respondent:-

"In rebuttal opponent Mateen examined himself by filing his affidavit in evidence at Ex.25 and has produced sale agreement at Ex.25. Thereafter his Advocate closed his side vide statement at Ex.30".

It hence appears that the learned Rent Controller has not prudently penned down as to what did Mateen stated in his defense, which precipitates into the belief that the impugned order is not a speaking order and in view of the said aspect, the matter is remanded back to learned Court of Rent Controller with direction to re-write the order afresh from the record already available before the said Court by giving cogent reasoning for reaching to the conclusion in the light of the evidence produced and stance taken by the respondent (tenant). As evidence has already been recorded, let a speaking order be penned down within 30 days of the receipt of this order.

The petition stands disposed of.

JUDGE