## ORDER SHEET THE HIGH COURT OF SINDH, KARACHI

## C.P No.S-469 of 2020

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Date

Order with signature of Judge

Hg of Priority Case.

- 1. For Orders on CMA No.2545/2020
- 2. For Hearing of CMA No.2492/2020
- 3. For Hearing of Main Case.

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29<sup>th</sup> September, 2020.

Mr. Rashid Khan advocate for the petitionerMr. Jafer Hussain advocate for respondent No.1.Mr. Pervaiz Ahmed Mastoi, AAG

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Heard learned counsel for respective parties. At the very outset learned counsel for the petitioner contends that trial court has failed to examine the plea of respondent with regard to ownership and loan paid by the opponent. It is admitted position that the petitioner is owner of the property and residing in the demised premises since his ownership whereas, respondent No.1 is claiming that he has purchased half portion of property by paying a handsome amount. Now question of relationship between the landlord and tenant is yet to be decided. Para-1 of Page 49 show tenancy agreement with undertaking that petitioner will pay Rs.3,00,000/- per month but there is no proof. Beside tenancy agreement stamp paper was purchased on 27.12.2011 and signed in March 2012, whereas, registered sale deed is dated 15.03.2020 which shows that petitioner has good case and power exercise under Section 16(1) of Sindh Rented Premises Ordinance 1979 are not in accordance with law and the impugned order is set-aside; case is remanded to learned trial court with direction to learned Rent Controller to frame the issues and allow the parties to lead evidence with regard to relationship and thereafter Rent Controller will be competent to decide the matter in accordance with law.

Instant petition is disposed of alongwith pending application(s).