

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.S-549 of 2007

Muhammad Sabir
Versus
Muhammad Hayat & others

Date of hearing: 01.11.2017

Petitioner: Through Mr. Adnan Ahmed Advocate.

Respondents No.1: Through Mr. Laiq Ahmed Advocate.

J U D G M E N T

Muhammad Shafi Siddiqui, J.- After hearing the parties at length it appears that the originally one Shabrati was the tenant at the rate of Rs.50 per month. On account of his demise his son Ghayasuddin became a tenant as a rent receipt was issued in his name by the petitioner. Ghayasuddin also expired whereafter his legl heirs who claimed to be in possession became statutory tenant. Widow of Ghayasuddin married to one Muhammad Hayat/respondent No.1. The subject ejectment application was filed against him (Muhammad Hayat) as being tenant and against respondent No.2 Muhammad Mustaqeem as being Sublette.

Learned counsel for the petitioner has not been able to show the relationship of respondent No.1 as being tenant of the petitioner. He concedes to this extent that though he was in occupation of the premises but was never a tenant or statutory tenant. He further concedes that after sad demise of Ghayasuddin his legal heirs who were in occupation became statutory tenants of the demised premises. The evidence available on record also does not show that there was any relationship of landlord and tenant between respondent No.1 and the petitioner. The opponents Muhammad Hayat, husband of statutory tenant may have been running business but not in the capacity of a tenant or statutory tenant.

The solitary ground of default on the basis of which the ejectment was filed was also apparently not proved as the rent is being deposited since October, 1999 by the widow of original tenant in the name of co-owners including the petitioner. I do not see any reason to interfere in the order of the appellate Court and the petition is accordingly dismissed along with pending applications. However in case petitioner intends to file any further/fresh ejectment application against the statutory tenants who were in occupation after the sad demise of Ghayasuddin or against any Sublette, he is at liberty to do so, which applications shall be considered in accordance with law.

Judge