

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

C.P No.S-2591 of 2017.

Date: Order with signature(s) of the Judge(s)

Hearing of Case.

1. For Orders on Office Objection as at 'A'.
2. For Orders on CMA No.1845/2020.
3. For Orders on CMA No.2752/2020.
4. For Hearing of Main Case.

06th April, 2021.

Ms. Soofia Saeed advocate for the petitioner.
Mr. Mukesh K. Sharma advocate for respondent No.1.

At very outset learned counsel for the petitioner has emphasized Page-49 of the petition, which reflect that:

"It is state on behalf of the above named appellant that this Hon'ble court may be pleased to dispose off the above appeal in terms of withdrawn as the appellant seeks permission to re-file his rent case with proper drafting and ingredients"

It is further contended that eviction application on the plea of personal bonafide need was preferred, the same was dismissed then FRA dismissed as withdrawn with permission to file afresh in 2006. Respondent No.1 remained silent for about seven [07] years, hence, that delay was sufficient to deny the right of landlord with regard to decide on personal bonafide need and that aspect learned appellate court and learned trial court failed to consider. Record reflects that this plea has been raised by the learned counsel for the petitioner, however, the same was not considered by the appellate court. Hence, impugned order is set-aside. Case is remand to learned appellate court who shall decide while taking consideration earlier proceedings and delay in filing of eviction application on same ground after hearing the parties.

Instant petition is disposed of alongwith listed application[s].

JUDGE