

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S – 496 of 2022

| Date | Order with signature of Judge |
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1. For orders on CMA No.4795/2022 (Urgency) :
2. For hearing of CMA No.3290/2022 (Stay) :
3. For hearing of main case :

30.08.2022 :

Mr. Alamgir, advocate for the petitioner.

NADEEM AKHTAR, J. – Rent Case No.01/2021 filed by respondent No.1 / landlady against the petitioner / tenant on the grounds of personal need and default in payment of the monthly rent. In the aforesaid case, a tentative rent order was passed by the Rent Controller on 04.01.2022 by directing the petitioner to deposit the arrears of rent at the rate of Rs.10,000.00 per month from the date of the filing of the rent case i.e. January 2021 within fifteen (15) days and to deposit the future monthly rent in Court at the same rate by the tenth day of each English calendar month. As compliance of the aforesaid order was not made by the petitioner, his defense was struck off by the Rent Controller through the impugned order dated 14.03.2022 with further direction to him to vacate the demised premises within thirty (30) days. First Rent Appeal No.56/2022 filed by the petitioner against his eviction was dismissed by the appellate Court vide impugned judgment dated 14.05.2022. Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has impugned the concurrent findings of the learned Courts below.

As compliance of the tentative rent order was not made by the petitioner, the Rent Controller had no other option but to strike off his defense and to order his eviction as held by the Hon'ble Supreme Court in Safeer Travels (Pvt.) Ltd. V/S Muhammad Khalid Shafi through legal heirs, PLD 2007 S.C. 504. The impugned order and judgment are in accord with the law laid down by the Hon'ble Supreme Court and as such do not require any interference by this Court. Learned counsel for the petitioner has not been able to point out any illegality, infirmity or jurisdictional error in the impugned concurrent findings.

The petitioner / tenant, who is present in person, states that he would be satisfied if a reasonable time is granted to him to vacate the demised premises. Accordingly, the petitioner is directed to vacate the demised premises latest by **31.12.2022**. He is further directed to deposit the arrears of rent in terms of the tentative rent order dated 04.01.2022 passed by the Rent Controller latest by **30.09.2022** and the future monthly rent strictly in terms of the said order, and also to pay the utility bills within time. It is clarified that in case of default in payment / deposit of any of the above by the petitioner during the above mentioned period or if he fails to vacate the demised premises by **31.12.2022**, the writ of possession in respect of the demised premises shall be issued without notice to him. With this direction, the petition and listed application are dismissed with no order as to costs.

J U D G E