

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

First Rent Appeal No.12 of 2022

Date	Order with signature of Judge
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For hearing of CMA No.2911/2022 (Stay) :

For hearing of main case :

30.08.2022 :

None present for the appellant.

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NADEEM AKHTAR, J. – Rent Case No.58/2021 was filed by respondent No.1 / landlady against the appellant / tenant for his eviction wherein a tentative rent order was passed by the learned Rent Controller on 01.02.2022 under Section 17(8) of The Cantonment Rent Restriction Act, 1963, directing the appellant to deposit future monthly rent in Court at the rate of Rs.45,000.00 per month from February 2022 onwards on or before the fifth day of each calendar month. He was also directed to deposit on or before 01.03.2022 the arrears of rent up to December 2020 amounting to Rs.223,000.00 as well as Rs.585,000.00 for the period January 2021 to January 2022. As the arrears of rent were not deposited by the appellant and compliance of the aforesaid order was not made by him, his defense was struck off by the Rent Controller under Section 17(9) of The Cantonment Rent Restriction Act, 1963, vide order dated 31.03.2022 with further direction to him to vacate the demised premises within thirty (30) days. Through this First Rent Appeal, the appellant has impugned the aforesaid order.

As compliance of the tentative rent order was not made by the appellant, 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 is in accord with the law laid down by the Hon'ble Supreme Court and as such does not require any interference by this Court. The matter has been called twice since morning, but the appellant and his counsel remained absent on both occasions although their names have appeared in the cause list. Accordingly, the appeal and listed application are dismissed with no order as to costs.

J U D G E