

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. S – 756 of 2022

Date	Order with signature of Judge
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Fresh case :

For orders on CMA No.4973/2022 (Urgency) :
For order on office objections 18 & 19 a/w reply of counsel as at 'A' :
For orders on CMA No.4974/2022 (Exemption) :
For orders on CMA No.4975/2022 (Stay) :
For hearing of main case :

30.08.2022 :

Mr. Imamuddin Chandio, advocate for the petitioner.

NADEEM AKHTAR, J. – Rent Case No.142/2021 was filed by respondent No.1 / landlord against the petitioner / tenant for his eviction on the grounds of personal need and default in payment of the monthly rent and utility bills. In the aforesaid case, a tentative rent order was passed by the Rent Controller on 01.12.2021 by directing the petitioner to deposit the rent at the rate of Rs.5,000.00 per month with effect from August 2020 within thirty (30) days and future monthly rent at the same rate by the tenth day of each English calendar month till final disposal of the case. It was further ordered by the Rent Controller that the amount deposited by the petitioner in pursuance of the aforesaid order will not be withdrawn by the landlord / respondent No.1 till the final disposal of the rent case. 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 10.03.2022 with further direction to him to vacate the demised premises within thirty (30) days. First Rent Appeal No.77/2022 filed by the petitioner against his eviction was dismissed by the appellate Court vide impugned order 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.

It was noted by the Rent Controller in the impugned order dated 10.03.2022 that the petitioner had admitted that the tentative rent order was not complied with by him. Thus, it is an admitted position that

compliance of the tentative rent order was not made by the petitioner. Therefore, 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 in *Safeer Travels (Pvt.) Ltd. V/S Muhammad Khalid Shafi through legal heirs, PLD 2007 S.C. 504*. The impugned orders 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. Accordingly, the petition and listed application are dismissed in limine with no order as to costs.

J U D G E