

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S – 1497 of 2019

Date	Order with signature of Judge
------	-------------------------------

1. For hearing of MA No.6979/2019 (Stay) :
2. For hearing of main case :

26.09.2022 :

Mr. Saathi M. Ishaque, Advocate for the petitioner
a/w Mr. Sanaur Rehman Khan Lodhi Advocate.

Mr. Adnan Ali, Advocate for respondent No.1
a/w Syed Zeeshan Ali Advocate.

ORDER

NADEEM AKHTAR, J. – Rent Case No.537/2018 was filed by respondent No.1 against the petitioner for his eviction on the grounds of personal need, subletting and default in payment of the monthly rent. In the aforesaid case, a tentative rent order under Section 16(1) of The Sindh Rented Premises Ordinance, 1979, was passed by the Rent Controller directing the petitioner to deposit the arrears of monthly rent from October 2018 at the rate Rs.12,000.00 per month within one month, and also to deposit the future monthly rent at the same rate on or before the tenth day of each English calendar month. As the said order was not complied with by the petitioner, his defense was struck off by the Rent Controller vide order dated 02.09.2019 under Section 16(2) of the Ordinance and he was directed to vacate the demised premises within forty five (45) days. The appeal filed by him against the aforesaid order was dismissed by the appellate Court vide impugned judgment dated 18.11.2019.

In view of the above, the Rent Controller had no other option but to strike off the defense of the petitioner 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. Learned counsel for the petitioner has not been able to point out any defect in the impugned orders that 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. He submits that the petitioner would be satisfied if a reasonable time of six (06) months is granted to him to vacate the demised premises.

In view of the above, the petitioner is directed to vacate the demised premises latest by **31.03.2023**. He shall deposit the monthly rent strictly in terms of the tentative rent order passed by the Rent Controller as well as the utility bills in respect of the demised premises till the above mentioned date. It is clarified that in case of default by the petitioner in payment / deposit of the monthly rent and/or utility bills in the above terms or if the demised premises are not vacated by the petitioner by **31.03.2023**, the writ of possession shall be issued against him without notice to him.

The petition and listed application are dismissed in the above terms with no order as to costs.

J U D G E