

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI
C.P No.S-1042 of 2022

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

1. For orders on CMA No.7513/2022.
2. For orders on CMA No.7514/2022.
3. For orders on CMA No.7415/2022.
4. For hearing of Main Case.

05.12.2022

Mr. Nazim Baig, Advocate for the Petitioner.

1. Urgency granted.

2-4. Admittedly, the judgment of the eviction of applicant in appeal has attained its finality as the petitioner has failed to challenge the same in writ petition; however, applicant preferred application under Section 22 of SRPO 1979 contending therein that he is ready to vacate the premises subject to settlement of Pagri / advance amount. Learned counsel for the petitioner contends that scope of section 22 requires determination of outstandings in the rent jurisdiction and the petitioner was not required to file fresh suit. Needless to mention that the executing Court is required to satisfy the decree and fruit earned by the respondent through two judgments cannot be snatched by that application which only seeks determination of outstanding. Accordingly, present petition is disposed of with directions to the Rent Controller to decide the fate of the application to the extent of outstanding amount under section 22 of SRPO, 1979 as referred above. However, the executing Court shall ensure that demise premises is vacated and possession is handed over to the landlord.

Petition stands disposed of.

JUDGE