

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.S-1199 of 2017
[Imran-ud-din v. Dr. Manzoor and two others]

Date	Order With Signature Of Judge
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- 1.For order on CMA No.2106/24
 - 2.For hg of main case
- 12.09.2024.

Mr. Irfan Ahmed Suriya, advocate for the petitioner.
Mr. Meeran Muhammad Shah, Addl. Advocate General, Sindh.
None present for respondent No. 1.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Petitioner filed a Rent Case No.1018/2014 against respondent No. 1 in respect of Shop No.3 on Ground Floor, Plot Survey No.67/2, Survey Sheet No.R.S-1, situated at Ramswami Quarters, Karachi for eviction on the grounds of default and personal bonafide need. The said case was contested by respondent No.1. However, it ended through an order dated 25.04.2016, whereby the rent case was allowed and respondent No. 1 was directed to hand over vacant and peaceful possession of the demised premises to the petitioner/landlord within 30 days. This order was challenged by respondent No. 1 in FRA No.186/2016, which was allowed by learned Appellate Court vide order dated 06.05.2017 stating that petitioner has failed to establish both the grounds.

2. I have heard the learned counsel for the petitioner as well as learned Additional Advocate General, Sindh. Learned counsel for respondent No. 1 has chosen to remain absent. The case diary dated 09.03.2021 shows that respondent was present in person and made a statement that his previous counsel namely Raja Muhammad Anwar and Ms. Mehnaz Anwar, advocates had been superseded by Mr. Umar Farooq, advocate, who had filed power on that day. Thereafter, on various

occasions, intimation notice was issued to counsel for respondent No.1 but to no avail. Even today he has chosen to remain absent without intimation.

3. I have gone through both the orders and agree with the order of the Rent Controller that the petitioner has succeeded in establishing personal bonafide need of the demised premises by coming in the witness box and stating that he was jobless and wants to start his business in the demised premises. Learned Appellate Court while discussing the said issue, has been lean influenced more by technicalities than by merits of the case. It is settled proposition that if the landlord comes in the witness box and deposes that he is jobless and needs the demised premises for his personal use, and nothing to the contrary such assertion in rebuttal is produced by the tenant, the ground of personal need would stand established. I, therefore, set aside the impugned order dated 06.05.2017 and restore the order passed by the trial Court viz. order dated 25.04.2016 and direct respondent No. 1 to vacate the premises Shop No.3 on Ground Floor, Plot Survey No.67/2, Survey Sheet No.R.S-1, situated at Ramswami Quarters, Karachi within one month from today.

The petition is accordingly disposed of.

JUDGE

HANIF