

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P No. S – 04 of 2024

## Hearing of case

1. For orders on office objection at flag 'A'
2. For hearing of main case

11.09.2024

Mr. Muhammad Saleem Mastoi, Advocate for the Petitioner  
Mr. Daim Hussain Bhanbhro, Advocate for Respondent No.1  
Mr. Ali Raza Baloch, Assistant Advocate General Sindh

## ORDER

**ZULFIQAR AHMAD KHAN, J;-** This Constitutional Petition in rent jurisdiction is filed against the concurrent findings where the trial Court has dismissed the application of the petitioner on default in payment of rent as well as that there is dire need of repair and personal need by the respondent No.1/ landlord. Appeal against the said order was also dismissed.

Learned counsel for the petitioner/tenant though has vehemently submitted that he is willing to pay the rent, however, counsel for respondent No.1/landlord submits that he is an established defaulter as well personal need has been admitted by the Courts below. Not only so, he still insists that the shop in question needs repair as it has become dangerous.

Be that as it may, the Honourable Supreme Court has set the scope of constitutional interference in rent matters to a bare minimum.

With the consent of counsel for respondent No.1, two months' time is given to the petitioner to hand over vacant possession of the shop in question to the respondent No.1/landlord, who to make necessary repairs in the said shop as per law and thereafter he could utilize it for personal use, however, if he is willing to rent out the said shop, the petitioner should be given priority, however, subject to fresh rent agreement on the prevailing market rate in terms stated above.

With these directions, this Constitutional Petition is disposed of.

Judge