

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P.No.S-148 of 2024**

Afzal Hussain ..... Petitioner  
 Vs.  
 The learned VI- Additional District Judge,  
 Karachi Central & others ..... Respondents

Mr. Sohail Hameed, advocate for petitioner.  
 Mr. Mohsin Khan, advocate for respondent No.3.

**20.09.2024.**

**ORDER**  
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**MUHAMMAD IQBAL KALHORO J:** Respondent No.3 filed a rent case against petitioner for ejection from premises No.A-17, 2<sup>nd</sup> Floor, Zahid Square, Plot No.ST-17/A, Block 16, Federal B. Area, Karachi on the ground of default and personal bonafide need. The case was contested by the petitioner stating that he had purchased the property from previous owner and had paid all outstanding loans of the premises to the House Building Finance Corporation (HBFC); he has all such documents including the receipts showing payment of outstanding dues by him. He pleaded that there was no relationship of tenant and landlord between him and appellant and there is no evidence that the respondent had put him into demised premises in the capacity of the tenant.

2. On the other hand, claim of respondent/landlord is that petitioner was put in premises by the previous owner as a tenant.

3. The entire case of the petitioner is based on the ground that he had purchased the property in 1984; but surprisingly even after lapse of 40 years, he could not get the property mutated in his favour or made any effort aimed at it. He did not bring in the witness box the previous owner to confirm sale and purchase of the property between them. On the contrary, it is a matter of record that property stands in the name of respondent No.3 and he is currently its owner. It is not disputed either that respondent had purchased the property from previous owner. In reply to a query, learned counsel for petitioner has admitted that he has not filed any suit so far seeking declaration to the effect that he is owner or purchaser of the property or that there was any transaction between him and previous owner regarding sale and purchase of the demised premises.

4. The evidence produced by the parties was examined by the trial court first and then was re-appraised by the appellate court. Both the courts have come to a conclusion that respondent No.3 is entitled to have possession of the premises as landlord and the status of the petitioner was nothing but a tenant in absence of any other evidence. Here also except repeating the claim that he had purchased the property from previous owner, nothing substantial has been brought on record to show status of the petitioner other than tenant insofar as occupation of the property by him is concerned. I do not find therefore any reason to disagree and upset the view concurrently formed by two courts below in absence of any material pointing out to contrary position.

5. Accordingly, I do not see any merits in the instant petition and dismiss it alongwith pending application.

Judge

A.K.