

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**CP NO.D-7935/2018**

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Date	Order with signature of Judge
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1. For hearing of CMA NO.27345/2023
2. For hearing of CMA NO.27461/2023

**06.05.2024**

Mr. Muhammad Aziz Khan advocate alongwith petitioner's attorney.  
Qazi Abdul Haleem Siddiqui, DAG.

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1&2. By order dated 28.11.2018 this petition was disposed of.

Relevant paragraph is that :-

“In view of facts and circumstances, referred to above, we are of the humble view that landlord or the respondent No.3 on his behalf is not empowered to disconnect utilities of the tenement and cannot take such measures to get vacated subject premises from the tenant. Landlord has to adopt due process of law for redressal of his grievance and approach to the competent court of law for such purpose. Subject to payment of outstanding dues, if any including charges of electricity, gas, water supply, respondents No.3 to 5 are directed to restore such utilities of the subject premises of the petitioner immediately within a period of three (03) days. Petitioner is also directed to pay outstanding arrears of the maintenance and to pay monthly maintenance charges as per prevailing rates in the locality regularly to the respondent No.3. However, if landlord has any grievance against the tenant he is a liberty to approach the competent Court of law for the redressal.”

In view of that order, counsel for petitioner (tenant) filed contempt application on the plea that petitioner (tenant) has been dispossessed. Accordingly, Nazir was appointed and he has filed report dated 16.04.2024, being relevant its paragraph No.4 is that :-

“It was further noted that the articles/belongings of petitioner were lying in the parking lot alongwith the main gate. Mr. M. Farooq, Admin Officer, Askari IV stated that petitioner had moved such articles herself from the flat, whereas, Ms. Seema Khaliq, Attorney of petitioner claimed that her articles have been moved by the landlord Chaudhry Humayun Rasheed forcefully through security personnel of Askari IV”

Perusal of paragraph No.4 reflects that plea of tenant is that she has been dispossessed forcibly by the landlord, which is disputed by landlord; hence this question of disputed fact is not sufficient to amount that any contempt has been committed, whereas petitioner was competent to approach rent jurisdiction but she failed to do so. Accordingly contempt application and application under section 151 CPC for restoration of possession, are dismissed. Petitioner would be at liberty to approach the court of rental jurisdiction.

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