1

## ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI

## FRA No. 08 of 2018

Date Order with signature of Judge

## Haring of case.

Hearing of main case.

## 17.08.2018

Mr. Mehmood Ahmed Khan, Advocate for the Appellant. Mr. S. Khizer Asker Zaidi, Advocate for the Respondent.

Learned counsel for appellant contends that eviction application filed by the respondent was allowed on the grounds that he failed to deposit the rent amount for the months of July, August & September, 2017 respectively, whereas, he has emphasized over page-49 of the court file, which reflects that such rent was deposited in respective months. Such documents is not disputed by the respondent counsel. He further contends that appellant was required to deposit the rent on 5<sup>th</sup> day of every month, but he deposited after delay of three days.

Needless to mention that no one should be knocked out on technicalities. Rent controller is required to decide the matter on merits. Admittedly three [03] months default as observed by the learned trial Court is against the facts, hence, impugned order dated 08.02.2018 is *set aside*. The case is remanded back with directions to learned Rent Controller to decide the eviction application on merits in accordance with the law.

JUDGE

Qurban/PA\*