

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

C.P No.S-109 of 2022.

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Date:                   Order with signature(s) of the Judge(s)  
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Fresh Case.

1. For Orders on Office Objection No. 18 as at 'A'.
2. For Orders on CMA No.739/2022.
3. For Orders on CMA No.740/2022.
4. For Hearing of Main Case.

14<sup>th</sup> March, 2022.

Mr. Jahangir Mangi advocate for the petitioner.

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1. Overruled.
2. Exemption is granted subject to all just legal exceptions.

3&4. At the outset learned counsel for the petitioner contends that learned trial court passed order of ex parte in hasty manner as he filed Vakalatnama on 18.09.2021 and received copies, however, he failed to file written statement within a month and hence he was debarred and thereafter he filed application for recalling of that order without wasting time on 18.10.2021 but that was declined and eviction application was allowed, thereafter, he within time filed Appeal, that was also dismissed on the ground that he failed to file written statement. Besides, he is tenant since 2006 and paying rent in due time. He further contends that the plea of respondent No.1 [landlord] with regard to default and bonafide need was not appreciated by the learned trial court though trial court was under obligation. At this juncture he contends that despite of merit he will not argue the instant petition, if sufficient time is granted as marriage ceremony of petitioner's daughter is expected just after Eid. Without prejudice to the merits of the case, since learned counsel for the petitioner frankly contends that he is ready to vacate the demised premises within two months. Accordingly, instant petition is disposed of alongwith listed application[s] with direction to executing court that petitioner shall not be evicted from the premises within two months from today. However, petitioner would be bound to pay all due including

arrears and in case of failure, this order will not be in his favor and after expiry of that period i.e. two months from today the petitioner shall hand over possession to respondent No. 1. In case of failure executing court, without notice, ensure that possession is handed over to respondent No.1. In case respondent No.1 is aggrieved with this order, he would be at liberty to file appeal.

JUDGE

M.Zeeshan