

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P No. S-92 of 2025**

along with  
C.P No. S-93 of 2025

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|-------------|--------------------------------------|
| <i>Date</i> | <i>Order with Signature of Judge</i> |
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**C.P No.92 of 2025**

1. For orders on CMA No.830/2025.
2. For orders on CMA No.831/2025.
3. For orders on CMA No.832/2025.
4. For hearing of Main Case.

**C.P No.93 of 2025**

1. For orders on CMA No.833/2025.
2. For orders on CMA No.834/2025.
3. For orders on CMA No.835/2025.
4. For hearing of Main Case.

**03.02.2025**

Mr. Samiullah Soomro, Advocate for the Petitioner.

~~-x-x-x-x-x-~~

1. Granted.

2. Granted subject to all just exceptions.

3-4. Learned counsel submits that in rent application, which was filed by respondent No.3 being owner for possession of the suit property on the main point that suit property is required for her younger son namely Mustafa as she intends to marry her younger son while such aspect is not the matter of record. He further submits that Civil Suit No.1582 of 2022 which was filed by the present petitioner against respondent No.3 on the point of the specific performance, was dismissed under Order VII Rule 11 CPC by the trial Court and till date no appeal is filed. Learned counsel also submits that Iqarnama was executed between brother-in-law of respondent No.3 and petitioner as he paid some payments. Lastly he prayed for suspension of the judgment as well as execution proceedings.

After perusal of entire record, it transpires that the petitioner is totally failed to establish his case on the point that he is the owner and can claim ownership of the suit property while before learned Rent Controller, the entire evidence was recorded, in which learned trial Court as well as appellate Court passed order and allowed the ejectment application for the reasons and on the justified plea. In recent judgment of Hon'ble Supreme Court of Pakistan in Civil Petition No.4389 of 2023, Hon'ble Apex Court has observed in following terms;\_

*".....the learned counsel for the petitioner has failed to adduce any document in support of his claim with regards to the ownership of the property proving his ownership. Whereas the respondents before the Appellate Court, by producing cogent material i.e. the rent deed and the rent receipts in their favour alongwith other relevant documents and witnesses, have duly proved the relationship between the petitioner and the respondents as that of a landlord and a tenant. It is also a settled preposition of law that when a tenant disputes the very ownership of the landlord, the only recourse available with him is to file a civil suit. In the instant matter both the appellate Court and the High Court have correctly opined that the contention with regards to the ownership of the property, if any, could only be resolved through a Civil Court. Reliance in this regard can be placed upon the cases of Tassaduq Hussain Vs. Mst. Muneer Fatima (2014 SCMR 1744) and Ahmad Ali alias Ali Ahmad Vs. Nasar-ud-Din (2009 PLD 453)."*

In view of the above, instant petition along with connected petition bearing C.P No.S-92 of 2025 is hereby dismissed in *Limine*.

Office to place a copy of this order in the connected petition.

**JUDGE**