

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. Nos. S-127 to 133 of 2018

Date: _____ Order with signature of Judge _____ A

1. For orders on CMA No.379/18
 2. For orders on CMA No.380/18
 3. For hearing of main case
 4. For orders on CMA No.381/18
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24.1.2018

Mr. Naeem Akhtar for petitioner
.X.X.X.X.

1. Urgency application granted.
- 2 to 4: These cases were once remanded to the District Court for deciding FRAs on merits afresh, which were subject matters in CP Nso.S-162, 164, 165, 166, 167, 168 and 169 of 2017 wherein the orders of the District Court were set aside.

The dispute in the subject matter was default w.e.f April, 2013. Learned Counsel for the petitioner insisted that the tenants have paid the rent for the year 2014 and it could not be believed that such receipts could have been issued by the landlord without issuing a receipt of rent for the year 2013. He further submits that such statement in affidavit-in-evidence, with regard to the payment of rent from April, 2013 which default was claimed in rent application, was not denied or brought in evidence.

I have heard the learned Counsel in detail and perused the material available on record.

The only point that requires consideration is payment of rent irrespective of its quantum. Such payment on the basis of evidence available on record is not established to have been paid. There is a bold statement that the amount of rent w.e.f April, 2013 was paid but the burden was upon the tenants to be discharged by producing receipts or by leading evidence on record which they failed. They may have now filed

such receipts but such documents could hardly be looked into as the pleadings of the petitions are otherwise and contrary as observed by this Court in the aforesaid petitions when the cases were remanded. I will not go into such detail as to whether what was the amount of rent as the tenant has failed to establish payment of rent even @ Rs.600/- per month as stated by him.

In view of the above, the orders of District Judge Karachi (East) as impugned in these proceedings hardly requires any interference, as it is well reasoned and speaking order.

The petitions are therefore, dismissed along with pending applications.


Judge