

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

C.P. No.S-830 of 2018

Muhammad Aslam

Versus

Rounaq Ali & others

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Date: Order with signature of Judge

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1. For orders on CMA 3406/18
2. For orders on CMA 3407/18
3. For hearing of main case.
4. For orders on CMA 3408/18

Dated: 10.04.2018

Mr. S. Irshad-ur-Rehman for petitioner.

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In the instant matter the eviction application was filed on the ground of default and personal requirement. The issues were framed by the Rent Controller as to the payment of monthly rent as well as conservancy charges and the personal requirement. On both the counts the eviction application was allowed followed by dismissal of the appeal of the petitioner. Hence, the petitioner being tenant has filed this petition on the grounds amongst others that case of personal requirement is not made out.

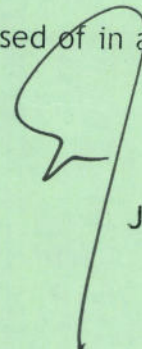
I have gone through the affidavit-in-evidence of the landlord/ respondent as well as his witness and so also their cross-examination. The applicant/respondent Rounaq Ali in paragraph 6 of the affidavit-in-evidence has stated about his person requirement which in cross-examination is not shattered. The witness of applicant/respondent also deposed in line with the main application as well as that of the applicant's deposition. The applicant/respondent may have asked for the enhancement of rent some time back in the year 2012 but that would not shatter case of personal requirement if otherwise established.

For the conservancy bills the petitioner/tenant has admitted that bill for Rs. 22,562 was unpaid.

The evidence and/or factual aspects of the matter cannot be reappraised at this stage while hearing petition under article 199 of the Constitution as against concurrent findings of two Courts below. No case for indulgence is made out.

However, at the conclusion of the arguments, learned counsel for petitioner requested for a reasonable time to vacate the premises. As such since it is a commercial premises four months' time is granted to the petitioner to vacate the demised premises subject to payment of rent and utility charges etc. payable under the agreement and under the law and the arrears of rent if any, be also cleared within 15 days from today.

Petition along with listed applications stands disposed of in above terms.



Judge