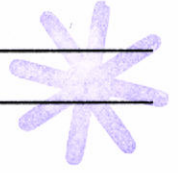


ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P. Nos. S-775 and 776 of 2018

Date: Order with signature of Judge



1. For orders on CMA No.3067/18
  2. For orders on office objections
  3. For orders on CMA No.3068/18
  4. For hearing of main case
  5. For orders on CMA No.3069/18
- 

05.4.2018

Syed Jamil Ahmed Jafri for petitioner  
.X.X.X.X.

1. Urgency application granted.
2. Deferred .
3. Exemption application granted subject to all just legal exceptions.

4 & 5: This petition arising out of the concurrent findings of two Courts below. Originally the eviction application was filed on the ground of personal requirement, default and subletting. The Rent Controller allowed the application on two counts i.e. personal requirement and subletting whereas the application was declined on the ground of default. The appellate Court then maintained the order only on the ground of personal requirement which order is impugned in these proceedings. It is claimed that a relinquishment deed was filed by other legal heirs of deceased Abdul Wahab and on their enquiry from NADRA it was revealed that there are no other legal heirs of deceased Abdul Wahab. When enquired whether the applicant is son of deceased Abdul Wahab, the Counsel admitted.

I am afraid that an eviction application could be maintained by one of the legal heirs of deceased and hence the application was rightly held as maintainable. It is also claimed that none of the legal heirs came forward to oppose this application, which is also moved on the ground of personal requirement. Even if this relinquishment deed is brushed aside,




the eviction application could be maintained by one of the legal heirs of deceased Abdul Wahab. It is however noted that Abdul Wahab was incorrectly written as "Abdul Waheed" in the eviction application as stated by petitioner's Counsel.

Insofar as the case of personal requirement is concerned, the Counsel contended that the premises were required for son of Anwar Ahmed who did not appear in the witness box. Law does not require that in a case of personal requirement, son of the applicant should appear in witness box. No other ground, apart from this is raised.

In view of above, no interference is required in the findings of two Courts below, the petition is therefore, dismissed along with pending applications.

At the conclusion of dictation, learned Counsel for petitioner requests that a reasonable time may be given to vacate the premises in question so that they could make an alternate arrangement. Accordingly four months' time is granted to the petitioner to vacate the premises in question subject to payment of rent in advance and all other utilities payable under the agreement and under the law. In case petitioner fails to deposit the rent in advance or any other charges payable, as referred above, writ of possession shall be issued with police aid and break opening the lock.



Judge



# IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No.S-775 of 2018

Asif & others.....Petitioners

**V E R S U S**

Anwar Ahmed & others.....Respondents

## ORDER

05.4.2018

Syed Jamil Ahmed Jafri for petitioner

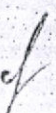
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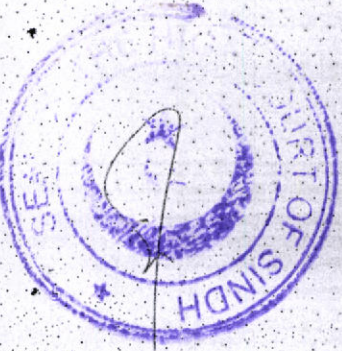
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Certified to be true copy,



Assistant Registrar (Civil/Writ SR)

Sd/- MUHAMMAD SHAFI SIDDIQUI  
JUDGE





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Constitutional Petition No.S-775 of 2018

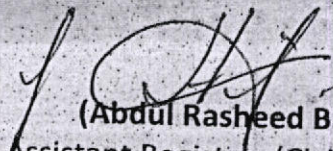
Karachi, dated: 10<sup>th</sup> April 2018.

Forwarded for information and compliance to:

1. The District Judge, Karachi (Central) in F.R.A. No.110/2017, Reg: Asif & others Versus Anwar Ahmed.
2. The Rent Controller-XII, Karachi (Central) in Rent Case No.233/2013, Reg: Anwar Ahmed Versus Asif & others.

925  
1875  
lc



  
(Abdul Rasheed Baloch)  
Assistant Registrar (Civil / Writ SB)