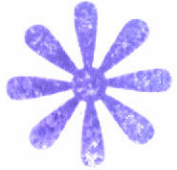


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ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

F.R.A. No.16 of 2016

Qazi Muhammad Tarique

Versus

Abdul Latif

Date: Order with signature of Judge

1. For hearing of CMA 7215/16
2. For hearing of main case

Dated: 16.04.2018


Mr. Fasihuzamman Abbasi for appellant.
Mr. Dur Muhammd Shah for respondent.

Appellant has filed this appeal against the order passed by Additional Rent Controller whereby his ejectment application was dismissed.

I have heard the learned counsel appearing for the parties and perused the material available on record.

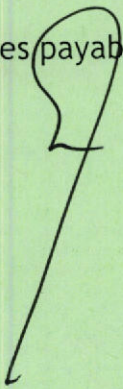
Learned counsel for the appellant has taken me to the history of this case and perhaps this is third round of litigation. In the first round the ejectment application was allowed as the defence was struck off and it was remanded. In the second round since tenant's evidence was not recorded the case was again remanded for recording of the evidence. This is third round.

Counsel for appellant/landlord has taken me to the ejectment application of the landlord wherein, apart from other grounds case of personal requirement was pleaded. Such pleadings were supported by affidavit-in-evidence available at page 93. The appellant was cross examined by the respondent and nowhere it was even remotely suggested that the premises was not required for personal requirement.



Counsel for respondent has relied upon questions relating to the installation of the gas connection and the enhancement in the property tax which, per learned counsel, was the only reason for filing eviction application to save himself (landlord) from exorbitant property tax. Such defence would take the respondent nowhere. Such defence had it been taken, would not have shattered the case of personal requirement which is otherwise made out. The case of personal requirement, in terms of paragraph 8 has almost gone unshattered and unrebutted.

In the third round of litigation though the respondent was allowed to file his affidavit-in-evidence but since it was a burden to be discharged by the appellant/appellant, which he did by filing affidavit-in-evidence and deposing on oath and since the ground was not shattered I do not see any reason which could have prevailed for rejecting the application on this count alone. Since appellant's counsel has relied upon the case of personal requirement only for decision of this appeal, leaving apart other grounds, I therefore allow this appeal on the ground of personal requirement and the consequently the impugned order is set aside and the ejection application is allowed. The respondent however is given two months' time to vacate the demised premises subject to payment of rent and all other charges payable under the agreement and under the law.



Judge