

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
FRA No. 30 of 2017

Date: Order with signature of Judge

1. For orders on office objections
2. For hearing of CMA No.4629/17
3. For hearing of main case

29.1.2018

M/s. Muhammad Ali Waris Lari and Saleemul Haq for
appellant

Mr. Sohail H.K. Rana for respondent

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This appeal is arising out of the order of the Rent Controller which application was allowed on the ground of default and personal requirement. The default for the months of November and December, 2013 was agitated along with personal requirement of the son of the landlady.

The appellant attempted to show that the money order for the rent of November, 2013 was sent through a money order receipt dated 28.12.2013 and hence no default has been committed.

It appears that the rent was payable in advance for the month of November, 2013 was due on 5th and payable with grace period of 15 days hence by that time when the money order has been remitted, default has already been committed at least for the month of November, 2013.

Insofar as the personal requirement is concerned, the premises in question, is required for the son of landlady and there is no evidence against and contrary to the bona fide requirement of the premises for the son of landlady. No case of indulgence is made out, however the applicant is in possession of the premises in question since last 18 years hence he requests for a reasonable time to vacate the premises.

Only as indulgence, one year's time is given to the appellant to vacate the premises in question subject to payment of advance rent and utility bills and all other utilities payable under the agreement and under the law. In case the appellant fails to deposit the advance rent as well as utility bills and hand over the possession of the premises in question in the above terms, writ of possession shall be issued with Police aid and break opening the lock forthwith.

On vacating the premises in question and subject to any adjustment, the security deposit be returned to the respondent on proper identification and verification. It shall not be adjusted towards any rent payable in the above terms.

The appeal along with pending applications stand disposed of.

Judge