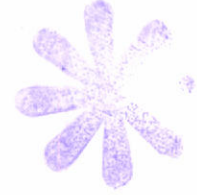


ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
FRA No.4 of 2018

Date: Order with signature of Judge

1. For orders on CMA No.1341/18
2. For orders on CMA No.1343/18
3. For hearing of main case



14.2.2018

Raja Muhammad Ashraf for appellant
.X.X.X.X.

1. Urgency application granted.
2. Exemption application granted subject to all just legal exceptions.
3. This appeal is arising out of an order passed on an application under section 12(2)CPC.


In brief the facts are that the eviction application was filed on 01.7.2016 and the Court notices were attempted to be served through Bailiff as well as through all other modes except publication. Ultimately the service was effected through publication in daily "Nawa-e-Waqt" dated 21.10.2016 and the notices were also pasted at the opponent's address in presence of two witnesses.

It is stated that after about three months of publication the appellant came to know about the pendency of this case however the source is not disclosed in the application under section 12(2) CPC. Consequently the application was dismissed by a short order however on intervention of this Court a detailed order dated 11.1.2018 was passed whereby the reasons were assigned.

I have gone through the application under section 12(2) CPC. It is nowhere stated by the appellant as to how they came to know and what was the source of such information regarding pendency of the rent application. Since there was no justification therefore, no indulgence was given hence the Rent Controller dismissed the application under section 12(2) CPC as apparently there was no fraud committed by the landlord.

At the conclusion of his arguments learned Counsel for the appellant requested that a reasonable time may be given so that he may be able to make an alternate arrangement. Accordingly four months' time is granted to the appellant 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, writ of possession shall be issued with police aid with permission to break open the lock.

The appeal stands disposed of along with pending applications in the above terms.


Judge

Disposed of matter.

1 for orders on CMA No 4923/18 (U/A)
2 for orders on CMA No. 4924/18 (U/S 15L CPC)