

3

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

F.R.A. No.51 of 2016

Khurshid Alam

Versus

Court of Controller of Rents & another

Date: Order with signature of Judge

1. For orders on office objection as at 'A'.
2. For hearing of CMA 7552/17
3. For hearing of CMA 4428/16
4. For hearing of main case.

Dated: 25.10.2017

Mr. Raza Muhammad Raza for appellant.
Mr. Faisal Aziz for respondent No.2.


Heard learned counsel and perused the material available on record.

Insofar as finding on issue of default is concerned it appears that the appellant was held as defaulter only on account of the fact that the rent was not enhanced in terms of Rent Restricts Act, 1963. There is no provision/term in the agreement, which could enable the landlord and tenant to make ^{it} applicable for automatic increase of rent. In the absence of such terms the rent cannot be enhanced at any rate and/or as desired by the landlord unless otherwise mutually agreed or fair rent is determined by the Rent Controller. The finding on issuer No.2 is thus reversed and the applicant is not to be treated as defaulter.

Insofar as the personal requirement is concerned I have gone through the evidence. It seems that no substantial questions were put to the witness as far as personal requirement is concerned. The family of the respondent is visiting annually and they require the demised premises for their utility/use and occupation.

At the conclusion of the argument learned counsel for the appellant conceded that as far as personal requirement is concerned no material questions were put to the landlady/witness and hence he requests for a reasonable time to vacate the premises in question. At his request and as desired by him six months' time is granted to vacate the subject premises subject to payment of utility bills and rent in advance and all other sums payable under the agreement. In case of failure to pay any of the amounts, as referred above, writ of possession shall be issued along with police aid to break open the lock, if required.

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



Judge