

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P-S No.730 of 2023  
[Syed Sajid Hussain and others v. Muhammad Imran Amin and others]

Date	Order With Signature Of Judge
1.For order on office objection 2.For hg of CMA No.5267/23 3.For hg of main case 01.10.2024.	Mr. S.M. Mansoor Akhtar, advocate for the petitioners. Mr. Bilal A. Khliji, advocate for respondent No. 1. Mr. Meeran Muhammad Shah, Addl. Advocate General.

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**MUHAMMAD IQBAL KALHORO, J:-** This petition has been filed against the order passed on 31.07.2023 in Civil Revision Application No.62 of 2023, which was filed against the order dated 17.05.2023, passed by VII<sup>th</sup> Rent Controller, Karachi South in Rent Case No.29 of 2020 on application under sections 20 and 21 of the West Pakistan General Clauses Act, 1897 and application under Order 18 Rule 17 read with Section 151 CPC seeking submission of additional evidence and re-examination of the landlord. Both the applications were dismissed by the said order dated 17.05.2023, against which, the aforesaid Civil Revision Application No.62 of 2023 was filed, which was dismissed on the ground of maintainability that in rent case against the interim order, the remedy of civil revision was not provided by the Law.

2. Learned counsel during arguments has submitted that respondent Muhammad Imran Amin, who is landlord, filed seven rent cases against the petitioner and others for eviction in respect of the seven different properties against different tenants. His evidence was recorded only in one rent case but it was adopted in all cases viz. Rent Cases No.27 to 34 of 2020, which is an illegality in law.

3. Learned counsel for respondent No. 1 has submitted that in each case a separate affidavit-in-evidence was filed, which was produced

accordingly but it was counsel for the petitioners/tenants who said that since the rent case was filed on one and the same ground, he would adopt the same cross-examination, in all the cases except of course changes in respect of demised premises.

4. I have seen the impugned order. It has been rightly observed by the Appellate Court that in rent matters there is no provision of filing civil revision application against the interim orders which are likely to be merged in the final orders. More so, the cross-examination was prerogative of the counsel for the petitioners and if he chose to adopt the same cross-examination in all cases, the respondent cannot be blamed for it. A person cannot be allowed to blow hot and cold at the same time. Counsel for the petitioners adopted cross-examination in all the cases on his own volition, and thereafter filed an application to turn it down on the ground that it was illegal. No illegality has been pointed out by learned counsel for the petitioners in the impugned orders and I see no reasons to interfere with it. Accordingly this petition is dismissed along with pending application.

JUDGE

HANIF