

**IN THE HIGH COURT OF SINDH AT KARACHI.
C.P.No.S-439 of 2015**

1. For hearing of CMA No.1830/2015
2. For hearing of Main case.

Petitioner : Faqir Muhammad & others through
Mr.Sikandar Khan Advocate ,

Respondents . : Iqbal Hassan Gazdar & others through
Mr. Iftikhar Jawed Qazi Advocate,

06.04.2016

ORDER

Muhammad Iqbal Kalhoro,J. The case of the petitioners is that they are tenants in property i.e. Flat No.1, Ground Floor, “Fatima Hajiani Building” RC-4/347, Opposite Gazdar School, Bohanji Street, Gazdarabad, Karachi, since for forefathers even before the partition. They admitted that the owners of the demised premises are respondents. However, their claim is that demised premises was rented out to them against Pugri and they are ready to vacate the demised premises, if amount of Pugri is paid to petitioners. In order to establish this point, learned counsel for the petitioners has referred to the legal notice, which is available at Page-2 of the file and has read out para-2 of the same. Learned counsel has further referred to the evidence of Mst. Shahida, wherein she states that the petitioners are ready to vacate the demised premises subject to undertaking by the respondents that they would reside in the demised premises and would pay them value of the demised premises.

2. On the other hand, learned counsel for the respondents has argued that there is no material available on record to show that the petitioners were rented out the demised premises against any Pugri. Even otherwise, in rented premises, the Pugri has been held illegal by the Hon’ble Supreme Court in various decisions. The case is that the respondents are admittedly owner of the property and they were able to prove grounds on the basis of which they are seeking eviction of the demised premises before the trial Court and the appellate Court. He has further argued that the respondents are relying record of both the Courts below against the petitioners and no case for interference by this Court is made out.

3. I have heard both the learned counsel and perused the material available on record. There is no dispute insofar as relationship between the tenant and landlord is concerned. Petitioners are ready to vacate the demised premises subject condition that the respondents should pay the Pugri amount to them. The examination of the record does not reflect that the petitioners were rented out the demised premises against any amount of Pugri. I have seen the para-2 of the legal notice that discloses that the demised premises were given to the ancestors of the petitioners on good will basis. Learned counsel for the petitioners has tried to argue that good will imply that the demised premises were rented out to the petitioners on Pugri basis. I am not satisfied with the arguments that good will means that demised premises were rented out to the petitioners on the basis of some Pugri. I have also seen evidence no such conditions is pointed by the petitioners that they are ready to vacate the demised premises subject to payment of the value of the demised premises.

4. There are findings of two courts below, which shows that evidence of the parties was properly appreciated and due to appreciation of the evidence, the findings against the petitioners were given. In view of above facts and circumstances, I do not find any merits in the present petition to interfere in the findings recorded by both the Courts below. Accordingly, the instant petition is dismissed.

JUDGE

Rafiq/P.A.