

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. S-382 of 2025

Date	Order with signature of Judge
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- 1) For orders on CMA No.5211/2025.
- 2) For orders on office objections No.1, 2 & 4 a/w. reply as at 'A'.
- 3) For orders on CMA No.5213/2025.
- 4) For hearing of CMA No.4678/2025.
- 5) For hearing of Main Case.

(Attention is respectfully invited to the Hon'ble Court on order passed by Hon'ble Acting Chief Justice on office note dated 01.8.2025 as flag 'A')
(Nazir Report as flagged)

06.08.2025.

Mr. Mohammad Hassan Arif, Advocate for the Petitioner.
M/s. Kashif Hanif, Sarmad Ali & Waqar Ahmed, Advocates
for Applicant / Respondent.

MUHAMMAD IQBAL KALHORO, J. It appears that present petition was filed when the Executing Court, seized with the Execution Application for vacating Rooms No. 41 & 42, Second Floor, Standard Chartered Bank Building, I.I. Chundrigar Road, Karachi, arising out of rent proceedings was not passing any substantial order to implement order of vacating the premises upheld upto the Supreme Court. The learned Single Judge after hearing the matter passed an order dated 22.07.2025 appointing the Nazir of this Court as Commissioner to accompany the petitioner / landlord to get the subject tenement vacated forthwith including Room No.41 located at 1st Floor of the said building. Against this order, a review application has been filed by the applicant, which has been marked to us by the Hon'ble Acting Chief Justice on submission note by the office dated 01.08.2025.

The case of applicant is that entire rent proceedings upto Supreme Court were in respect of Rooms No.41 and 42, situated at Second Floor of the said building, whereas in compliance of the order passed by this Court in this petition, the Nazir of the Court is attempting to take possession of Room No.30 situated at First Floor of the said building which is in possession of the applicant in the capacity of tenant. Learned counsel for the petitioner submits that Room No.30 is actually Room No.41, which is being denied by the learned counsel for the applicant.

We have seen the proceedings, the description of Room No.41 is that it is situated at Second Floor of the building, whereas the Nazir's Report shows that Room No.30 is situated at 1st Floor of the said building, which prima facie does not seem to match with description of the property given by the petitioner in rent proceedings. Learned counsel for the petitioner has failed to substantiate that Room No.30, sought to be vacated, is actually Room No.41 as claimed by him. But in any case, since the proceedings are pending before the Executing Court, it is within the powers of the Civil Court to appoint a Commissioner to identify the property in respect of which the rent proceedings were filed and allowed upto the Supreme Court. The controversy whether Room No.30, claimed by the applicant to be in possession, is either Room No.41 or 42 is factual one cannot be sorted out on hearing of the adverse arguments put up by both the learned counsel here. We, therefore, while disposing of the review application, set aside the order, sought to be reviewed, by directing the Executing Court to proceed with the execution proceedings on day to day basis and implement the order of vacating the premises, the subject matter of the rent proceedings.

At this juncture, learned counsel for the petitioner submits that petitioner may be permitted to file separate proceedings in respect of Room No.30. It goes without saying that subject to all just exceptions, if the petitioner is owner of the said property and applicant is tenant of Room No.30, he can file rent proceedings against him in accordance with law.

Accordingly, the review application stands disposed of.

J U D G E

Nasir/

J U D G E