

**IN THE HIGH COURT OF SINDH, CIRCUIT
COURT HYDERABAD**

C.P No. S-607 of 2025

[Muhammad Ramzan v. Mst. Afshan Jabeen and others]

Petitioner : Muhammad Ramzan through
Mr. Muhammad Zainuddin
Baloch, Advocate.

Respondents : None appeared.

Date of Hearing : **30.01.2026**

Date of Judgment : **20.04.2026**

JUDGMENT

RIAZAT ALI SAHAR. J. - The instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 has been filed by the petitioner assailing the judgment dated 26.08.2025 passed by the learned District Judge, Hyderabad in First Rent Appeal No.17 of 2025, whereby the appeal preferred by the petitioner was dismissed and the order dated 01.03.2025 passed by the learned Rent Controller-VIII, Hyderabad was maintained. The petitioner is seeking for the following reliefs:-

- a)** Set aside the judgment dated 01.03.2025 passed by the Senior Civil Judge & Rent Controller-VIII, Hyderabad in Rent Case No.9 of 2024, as well as the order dated 26/8/2025 passed by the learned Appellate Court in FRA No.17/2025;
- b)** Remand the matter to the Rent Controller with directions to provide the Petitioner full opportunity to file objections and lead evidence in accordance with law;
- c)** Grant interim. relief by suspending the operation of the Impugned judgments pending disposal of this petition; and
- d)** Grant any other relief deemed just and proper in the circumstances.

2. The background of the case is that the petitioner is a tenant of Shop No.2 situated at House No.235/D, Block-D, Unit No.7, Latifabad, Hyderabad for the last more than two decades. The respondents instituted Rent Case No.07/2024 under Section 15 of the Sindh Rented Premises Ordinance, 1979 seeking eviction on the grounds of alleged default, non-payment of utility bills and personal *bona fide* need. Upon service, the petitioner appeared through counsel; however, his request for time to file written objections was declined and he was debarred from filing the same, where after *ex-parte* proceedings were initiated. The respondents led *ex-parte* evidence, which was later subjected to cross-examination wherein certain admissions were allegedly made. The petitioner's restoration application for recalling the debarring order was dismissed, though he was allowed to cross-examine the witnesses. Subsequently, the respondents failed to produce further evidence and their side was closed. It is stated that the trial Court, without affording opportunity to the petitioner to lead his own evidence, allowed the rent application vide judgment dated 01.03.2025. The petitioner's appeal was dismissed by the learned District Judge, Hyderabad vide judgment dated 26.08.2025. Feeling aggrieved, the petitioner has invoked constitutional jurisdiction of this Court.

3. Learned counsel for the petitioner contended that both the courts below acted illegally and in violation of Article 10-A of the Constitution by denying the petitioner an opportunity to file written objections and lead evidence. He contended that material admissions made by respondent No.1 during cross-examination were ignored, which went to the root of the case. He further contended that no default was established and the respondents themselves had refused to accept rent. He contended that the proceedings were conducted in a mechanical manner and the impugned judgments suffer from misreading and non-reading of evidence. Lastly, he prayed that the impugned judgments be

set aside or the matter be remanded for fresh decision after affording full opportunity to the petitioner.

4. Despite issuance of notices, the respondents failed to appear and contest the present petition. They neither filed comments nor engaged counsel to defend the impugned judgments. Consequently, the matter is being decided after hearing learned counsel for the petitioner and perusal of the available record.

5. I have heard learned counsel for the petitioner at considerable length and have also gone through the material available on record with his able assistance.

6. At the outset, it is to be noted that the constitutional jurisdiction of this Court under Article 199 of the Constitution is supervisory in nature and is not meant to re-appraise evidence or substitute concurrent findings of the courts below unless the same are shown to be suffering from jurisdictional defect, patent illegality or perversity.

7. Perusal of the record reflects that the relationship of landlord and tenant between the parties is admitted. The petitioner had also invoked the jurisdiction of the Rent Controller earlier through Rent Application, which further establishes such relationship. The Rent Controller, after evaluating the material available, recorded a categorical finding that the petitioner failed to comply with his statutory obligation of deposit of rent, which constituted willful default. Such finding is based upon the report of Nazir and other documentary evidence and no material has been produced before this Court to dislodge the same.

8. As regards the contention of denial of fair opportunity, it transpires from the record that although the petitioner was initially debarred from filing written statement, he was subsequently afforded an opportunity to cross-examine the witnesses, which he availed. His restoration application

was dismissed through a speaking order, which was never challenged before any competent forum and thus attained finality. It is settled law that once an order attains finality, its legality cannot be questioned indirectly in collateral proceedings.

9. Furthermore, the learned appellate Court has independently examined the entire record and concurred with the findings of the trial Court. The concurrent findings of fact recorded by the courts below cannot be interfered with in constitutional jurisdiction unless shown to be arbitrary or based on no evidence, which is not the case here.

10. The plea regarding non-consideration of admissions made during cross-examination has also been examined; however, the same does not appear sufficient to override the established default and other grounds, including *bona fide* requirement, which were duly proved in accordance with law. It is also a settled proposition that the landlord is the best judge of his requirement and such assertion, when supported by oath, carries presumption of truth unless rebutted through cogent evidence.

11. For what has been discussed above, I hold that the petitioner has failed to point out any illegality, irregularity, misreading or non-reading of evidence or jurisdictional defect in the impugned judgments passed by the courts below. The findings recorded are based on proper appreciation of evidence and are in consonance with settled principles of law. Consequently, this petition being devoid of merits is hereby **dismissed**. There shall be no order as to costs.

12. Let a copy of this order be transmitted to the trial Court for compliance.

JUDGE