

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
First Rent Appeal No.36 of 2025

DATE: **ORDER WITH SIGNATURE(S) OF JUDGE(S).**

Hearing / Priority

1. For orders on office objection as at 'A'
2. For hearing of CMA No.5572/2025
3. For hearing of Main Case

22.04.2026

Mr. Asfandyar Jahangir, Advocate for the Appellant.

Mr. Muhammad Furqan Qureshi, Advocate for Respondent.

1. Through this First Rent Appeal, the Appellant has challenged the Tentative and Final Orders dated 10.04.2025 and 24.07.2025 [as mentioned in the Appeal] of the learned Controller of Rents, whereby, the defence of the Appellant was struck off for not complying the earlier Tentative Rent Order for deposit of monthly rent for the period of twenty two [22] months at the rate of Rs.5,000/- per month.

2. On the last date of hearing, so also mentioned in the Order Sheet [Diary], learned Counsel for the Appellant has stated that the eviction proceeding *per se* is misdirected against the Appellant, because he is resident of House No.4 and not Quarter No.15, and the present Respondent is not his landlord but, Mr. Farooq Paracha, which fact is mentioned in the Written Statement filed to the Eviction Application.

3. Today, before commencement of hearing, learned Counsel for the Appellant and the Appellant [present in Court] were put on notice that if from the documents, it was found that their claim is false and an attempt to mis-lead the Court, then adverse consequences will follow.

4. Learned Counsel for the Appellant in support of his arguments has referred to the Written Statement [at page-113], in which it is stated that the Appellant is a Tenant of House No.4 and not Quarter No.15; referred to the appended Utility bills to show that the Appellant is resident of a House and not Quarter; Appellant's Counsel has filed the latest Gas Bills and Vacation Notice, with his Statement on the last date of hearing to show that the Appellant is paying Gas Bills regularly of the premises in question and the

Court Notice is erroneous because it is in respect of above Quarter No.15 and not a House. His second line of argument is, that originally the Appellant is tenant of one Farooq Paracha and not the present Respondent and even if there was a change of ownership in the intervening period, no requisite Notice under Section 18 of the Sindh Rented Premises Ordinance, 1979 [“**SRPO**”] was given to the Appellant and, therefore, he is not liable to tender any rent to the Respondent. Has referred to the rent receipts that rentals were paid in MRC No.497 of 2000 [the concerned Court is Rent Controller No. VII, East Karachi]; contends that the Appellant is lawfully occupying the demised premises since Pre-Partition [Paragraph 6 of the Appeal’s Ground]. Concluded his arguments with a request that the Appeal may be allowed, the impugned Orders be set aside and possession should be restored to the Appellant, which was taken away in the intervening period.

5. Learned Counsel for the Respondent, in compliance of the earlier Order, has filed Statement [dated 21.04.2026] along with documents including earlier Judgment [dated 01.03.2023] passed in First Rent Appeal No.172 of 2022, to show that the Appellant has mis-stated the facts; contended that the Demised Premises is part of a larger Plot of land [**No. 126, measuring 3436 square yards, Depot Line, Saddar-Karachi**], which was purchased by the present Respondent from Farooq Paracha, which transaction and the subsequent ownership is in knowledge of the Appellant. Has referred to the certified copy of the Judgment earlier passed in FRA No.172 of 2022, preferred by the present Appellant, against his earlier eviction in Rent Case No. 1189 of 2019 [earlier Rent Case], in which Appellant has mentioned his premises as Quarter No.15 and in the said Appeal, Respondent No.1 is the present Respondent.

6. Arguments heard. Record perused.

7. The above Judgment dated 1-3-2023 given in the earlier FRA No. 172 of 2022 is perused. Paragraph No.2 of the Judgment also mentions the facts derived from the pleadings of the Parties that the Appellant was residing in Quarter No.15 prior to purchase by Respondent No.1, who demanded monthly rentals of rupees five thousand per month. However, this above First Rent Appeal was allowed on the point of territorial jurisdiction and Case was remanded, whereafter, the Rent Controller passed the Order dated 1-4-2023 [*page 103 of the Court File*], *inter alia*, on the

basis of Reply submitted by the Karachi Cantonment Board, that the entire plot/ Property is in the jurisdiction of the Cantonment Board and the dispute is to be decided under the Cantonment Rent Restrictions Act, 1963; consequently the Rent Application [Case] was returned and re-filed under the above law, followed by the impugned Orders.

8. The above referred Utility Bills show the number of **demised premises as House No.6 and not 4 as contended by the Appellant's Counsel** since beginning of his arguments, so also mentioned in the Appeal and Written Statement [filed in the Rent Case]. To this contradiction, learned Counsel for the Appellant states that it was a typographical error.

Secondly, the last rent receipt [at page-155, one of the Annexures with the Appeal] shows that Rs.180/- is paid for eleven months covering period of July 2023 to June 2024, which means that the Appellant paying a monthly rent of rupees sixteen per month only [Rs. 15/- per month as averred in paragraph 7 of the Grounds of Appeal]; this meager amount of rent itself reflects that the Appellant in fact has usurped the demised Premises to the detriment of the ownership right of the Respondent, as he is in occupation of the same for the last more than seven decades [as per Appellant's own version, supra]. Besides this, interestingly, **the premises number as mentioned in the above Rent Receipt is '15' and not House No.6 or 4, as throughout falsely claimed by the Appellant and his Advocate.**

Thirdly, the earlier First Rent Appeal [supra], preferred by the Appellant, also mentions his premises as Quarter No.15 and not House Number 6 or 4. When confronted, the Counsel is unable to provide any justification for his stance.

9. The only objection that no notice under Section 18 of the SRPO was given, cannot be treated as fatal to the case of Respondent, because, after filing of the Rent Case, that lacuna, if any, is cured by service of notice of the eviction proceeding, which was contested by the Appellant, coupled with the fact, that a copy of the registered Sale Deed dated 2nd March 2015 between above Mr. Farooq Paracha and present Respondent in respect of the Plot of land [supra, including the demised premises] is available as one of the Annexures of the Appeal; so also, the Parties hereto are in litigation since three years and by now, the Appellant has the ample opportunity to show his bona fide, by depositing the arrears of rent, which was not done. When queried about the rent receipts of current period, as a proof of

payment of rentals regularly, the reply was, that all those rent receipts have been misplaced.

10. Record of present *LIS* contains an Order dated 17th April 2019 passed in a Civil Suit filed by present Appellant along with the others against previous Owner- Farooq Paracha, with a claim that they have purchased the entire Plot No. 126 [*supra*]; plaint was rejected vide above Order with adverse observations.

11. From the above discussion, one thing is clear that the Appellant has attempted to mislead this Court, inter alia, by mis-stating that he is a resident of House No.4, which mis-statement is on the Affidavit and thus, committed perjury.

12. The conduct of Counsel is also very questionable, having full knowledge of the actual facts of the case, which is ascertainable from the record. Both, the Client / Appellant and the Advocate [Mr. Asfandyar Jahangir] have joined hands to prolong the proceeding through their *mala fide* acts; this is a classic example of abuse of process of the Court.

An Advocate being an officer of the Court has a professional obligation to assist the Court in an honest and diligent manner. Such malpractices are impeding the administration of justice and contributing towards backlog of cases.

13. While dictating this Order, direction is issued for criminal prosecution, but, the learned Law Officers of the Federation and Province [Mr. Khaleeq Ahmed and Ms. Deeba Ali Jaffri], requested, to take a lenient view, as the impugned Orders have been implemented against the Appellant, *whereas*, this would damage the Advocate's professional career.

Therefore, taking a lenient view, this Appeal is dismissed together with all pending Applications, with a cost of Rs.25,000/-, to be deposited with the Nazir of this Court, within two weeks.

Judge

Riaz / P.S.