

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.
C.P.No.S-169 of 2014.

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objections.
1. For Katcha Peshi.
2. For hearing of MA 2553/2014.

18.08.014.

Mr. Saeeduddin Siddiqui Advocate for the petitioner
None present for the petitioner

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The respondents have been served but they remained absent. Learned counsel for the petitioner contends that the learned trial court without deciding issue of landlord and tenant between the parties has passed the impugned order directing the petitioner to deposit monthly rent of the premises in court though the petitioner is the owner thereof. Learned counsel for the petitioner has relied upon the case of Mst. Miskina Jan Vs. Rehmat Din (1992 SCMR 1149), wherein leave to appeal was granted to consider whether the issue about the relationship of landlord and tenant between the parties should have been framed and decided before passing the rent order u/s 16(1), Sindh Rented Premises Ordinance, 1979. This issue of relationship of landlord and tenant is pending before the Rent Controller, therefore, he could have decided such issue before passing impugned order.

In view of the above circumstances, this petition is disposed of with directions to the learned Rent Controller not to proceed with the case further without deciding issue of relationship of landlord and tenant between the parties and he shall decide such issue within 45 days. The impugned order is set-aside.

The petition is disposed of in the above terms alongwith listed application.

JUDGE

A.K