

# HIGH COURT OF SINDH, AT KARACHI

CP No.S-1017 of 2012

## ORDER

Petitioner : Rafiq Ahmed,  
Through Mr. Abdul Shakoor Latif, Advocate.

Respondent No.1 : VIth Additional District & Sessions  
Judge, Karachi, South.

Respondent No.2 : VIIIth Sr. Civil Judge & Rent Controller,  
Karachi, South.

Respondent No.3 : Dr. Naseem Ahmed

DATE OF HEARING: 21.04.2015

**NAZAR AKBAR, J.** This petition is directed against the concurrent findings of the learned Rent Controller and the Court of VIth A.D.J (South) Karachi, whereby both the Courts have ordered ejectment of the petitioner from the premises bearing Flat No.5, Chand Tara Building on PlotNo.G.K. 2/7/3 and 7 / Rehmatullah Street Kharadar, G.K. Quarters, Karachi. I need not to reiterate the facts of the case of the parties since in exercise of constitutional jurisdiction; this Court is not required to examine factual controversy. The petitioner's counsel in the memo of petition has not referred to any specific piece of evidence which could be treated as misreading and non-reading of evidence to interfere in the concurrent findings of the learned Trial Court and the Appellate Court. The perusal of the record shows that this petition was filed against the concurrent finding on 11.9.2012 and the impugned orders were suspended on 17.9.2012 with directions to the learned counsel for the petitioner to file copy of MRC as well as up to date statement of deposit of rent in favour of the respondent. Ever since 17.9.2012 the case has mostly been adjourned either at the request of the

learned counsel for the petitioner or on account of his absence. On five different dates none was present and on 2/3 dates cost was not paid for service.

2. The counsel for the petitioner was heard against concurrent findings. He was unable to point out any legal infirmity in ejectment order passed by the learned Rent Controller in Rent Case No.223/2010 and upheld by the Appellate Court in FRA No.184/2011.

3. The counsel for the petitioner has read complete reasoning part of the judgment and he was not able to point out any statement from cross-examination of respondent to shake his personal need of the premises in question. Counsel for the petitioner could not show instance of misreading and non-reading of the evidence by the learned Trial Court as well as by the Appellate Court.

4. I have also examined the judgment of Appellate Court affirming the findings of the learned Rent Controller on the point of default and personal bonafide need of the Respondent. The Appellate Court in support of the findings on the question of personal need of the Respondents followed the law laid down by Hon'ble Supreme Court in the case reported as **SBLR 2001 SC139** (Iqbal Bood Depot & others...Vs...Khatib Ahmed & others).

5. The petitioner's counsel had no answer to any of the citation referred by the Appellate Court in the impugned order.

6. Consequently the petition was dismissed by short order dated 21.4.2015 as no case for interference was made out against the concurrent findings. These are the reasons for the short order dated 21.4.2015.

Karachi  
Dated:09.05.2015

JUDGE