

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No.S-1029 of 2015
C.P No.S-1030 of 2015

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

1. For hearing of M.A No.4332/2015 (Urgent)
 2. For hearing of M.A No.4333/2015 (Exemption)
 3. For Katcha Peshi.
 4. For Orders on CMA No.4334/2015 (stay)
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11.06.2015

Mr. Salahuddin Ahmed, advocates for the Appellant.

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1. Urgency application is granted.
 2. Exemption granted subject to all just exceptions.
- 3&4. Learned counsel has filed this constitution petitions against the concurrent findings in rent case. The main contention of the learned counsel is that in the earlier round when ejectment applications in R.C Nos.526/2007 & 324/2011 were dismissed by order dated 17.2.2011 Respondent No.1 went in appeal being FRA No.39/2011 and the first order of the Rent Controller dated 17.2.2011 was set aside and case was remanded to the learned Rent Controller for fresh orders by order dated 05.7.2011 Respondent No.2 through CP No.819/2011 & 820/2011 challenged the aforesaid remand order and this Court by order dated **01.8.2011** suspended the said remand order. However the said order suspending the remand of rent cases was not communicated to the Rent Controller in time and in compliance of the remand order by the First Appellate Court the Rent Controller completed the proceeding and passed a fresh order whereby on **13.8.2011** ejectment of petitioner was ordered pending the CP Nos.819/2011 & 820/2011. Unfortunately the said CPs were subsequently dismissed after four years by order dated **14.4.2015** and

the petitioner in the meanwhile when faced with the execution proceeding filed an application under **Section 12(2) CPC** before the Executing Court and also preferred another FRA against the fresh ejectment order dated **13.8.2011** through FRA No.194/2011 which has been dismissed by the impugned order dated 30.5.2015 after consuming four years. Now through this petition the tenant has impugned concurrent findings of rent arising out of Rent Case Nos.526/2007 and 324/2011 and maintained by the appellate Court. The only contention of the learned counsel is that the order of this Court dated 01.8.2011 passed in CP Nos.819/2011 & 820/2011 whereby as an interim order, remand of rent cases to the Rent Controllers by the appellate Court was suspended has not been properly followed by the Rent Controller, though the said CPs were later on dismissed by this Court. Since rent cases are pending from 2007 for one or the other reason and by now 08 years' time in my humble view is more than enough to defeat the special law essentially promulgated to expeditiously decide rent cases, only pre-admission notice be issued to the Respondents as a very short point is involved.

To come up on 24.6.2015.

JUDGE

SM

