

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P No.S-457 of 2021

<i>DATE</i>	<i>ORDER WITH SIGNATURE OF JUDGE</i>
	For orders on M.A No.1203/22. For orders on M.A No. 1125/25. For orders on M.A No.1126/25. For orders on M.A No. 1127/25. For hearing of M.A No.1218/25. For hearing of M.A No.1332/25.

02.02.2026.

Mr. Faheem A.Ghaloo, Advocate for Applicant (Ali Nawaz Mallah).

Mr. Allah Bachayo Soomro, Additional A.G Sindh.

RIAZAT ALI SAHAR, J.- This order would lead to the disposal of above mentioned all six (06) Misc Applications filed by Petitioner and Applicant (Ali Nawaz Mallah).

In nutshell, the relevant facts of the matter in hand are that the Respondent No.1 (Ali Nawaz Rind) being landlord filed Rent Application No.03 of 2020 before learned Rent Controller, Dadu seeking ejectment of Petitioners / Opponents and vacation of the possession of demise premises being defaulters alongwith arrears of rent from the month of June, 2019 till possession. The said Rent Application was allowed with directions to opponents to vacate the premises in question within 30 days from the date of order i.e. 13.02.2021 subject to payment of usual rent and other charges. The opponents / petitioners being dissatisfied with the order of learned Rent Controller, Dadu had preferred 1st Rent Appeal No.03 of 2021 before District Judge, Dadu but the said First Rent Appeal was dismissed vide Judgment dated 10.08.2021 with directions to opponents / appellants / Petitioners to vacate the demise premises within 30 days and the said Judgment of learned Appellate Court was challenged through this Constitution Petition No.S-457 of 2021. On 22.04.2022, in presence of all parties, this Petition was heard and decided, whereby the Petition was dismissed.

The record reflects that the order dated 22.04.2022 passed in this Constitution Petition was challenged before Honourable Supreme Court of Pakistan in C.P.L.A No.1678/2022 but the same Leave to Appeal was refused vide order dated 12.05.2025. The record further reflects that again a C.R.P No.330 of 2025 was filed in C.P.L.A No.1678/2022 seeking review of the order dated 12.05.2025 and the same was also dismissed.

Misc Application No.1203 of 2022 filed by Petitioners No.2, 4 & 5 is pending before this Court and the crux of the same Application are that the Petitioners were seeking extension of 60 days' time for implementation of order dated 22.04.2022 as the Petitioners intended to file C.P.L.A before Honourable Supreme Court of Pakistan, but since the C.P.L.A filed by the Petitioners has been refused and even a Review Application has also been dismissed, therefore, this Misc Application **No.1203 of 2022** has become infructuous, which is accordingly **dismissed** being infructuous.

The Applicant (Ali Nawaz Mallah) has filed Misc Application No.1126 of 2025 U/s 12 (2) C.P.C as well as Misc Application Nos.1125/25 for exemption, Misc Application No.1127/25, 1218/25 & 1332/25 seeking suspension of operation of impugned order dated 22.04.2022 as well as order passed by the learned Rent Controller and learned Appellate Court.

At the very outset, the learned counsel for Applicant was put on notice to satisfy this Court about the maintainability of the Application U/s 12 (2) C.P.C filed before this Court, but he has failed to satisfy this Court about its maintainability and also failed to prove the main ingredient i.e. fraud, misrepresentation, or want of jurisdiction. It is also matter of record that the dismissal order passed by this Court was challenged before the Honourable Supreme Court of Pakistan and has attained finality even after Review Application. The main contention of the Applicant is that he is the owner of subject property by virtue of sale deed bearing Registration No.443 dated 20.05.2011 and Respondent No.1 (*Applicant who filed initial Rent Application*) had concealed the real facts and by fraud and misrepresentation had obtained order without mentioning the present Applicant (Ali Nawaz Mallah). In para No.7 (b) of the Application, the Applicant himself stated that the Respondent

No.1 has managed sale deed bearing registered sale deed No.1993 dated 09.10.2012, which was challenged by previous owner by filing F.C Suit No.04 of 2014. This Petition was filed against the order of learned Appellate Court, who had dismissed the Appeal filed against the order of learned Rent Controller, whereby the tenants were directed to vacate the physical possession of the property but now the Applicant has challenged the title of property in question and the controversy resolved through this Petition was only to the extent of tenancy.

In view of above, the Misc Application No.1126 of 2025 U/s 12 (2) C.P.C is hereby **dismissed** alongwith Misc Applications Nos.1125/25, 1127/25, 1218/25 & 1332/25 with no order as to costs. However, in view of order dated 22.04.2022, the possession of subject property be handed over to the landlord immediately.

Let a copy of this order be communicated to the Court of learned Rent Controller/ Senior Civil Judge, Dadu.

JUDGE

Ali.