

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.S-631 of 2025

Date	Order with signature of Judge
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- 1.For hearing of CMA No.5053/2025
- 2.For hearing of main case

16.02.2026

Mr. Muhammad Arif, Advocate for the petitioner.
Mr. Sohail Sattar, Advocate for the respondent No.1

This petition assails the concurrent findings rendered by learned Rent Controller dated 04.07.2024 in Rent Case No.07/2023 as well as Order dated 27.05.2025 rendered by learned Additional District Judge-VII East, Karachi in FRA No.161/2024 (“**Impugned Orders**”).

Learned counsel for the petitioner premised his case on the argument that the petitioner was regularly paying the agreed monthly rent and that the evidence produced by the petitioner was not taken into consideration by the learned lower for a, hence exercise be conducted *de novo*.

In contra, learned counsel for the respondent argued that concurrent findings of the Courts below are upon correct appreciation of law and facts presented by the respondent and concurrent findings cannot be disturbed under Article 199 of the Constitution, therefore, the petition be dismissed.

Heard and perused the record. The contention raised by the petitioner’s counsel with regards to *de novo* appreciation of evidence is concerned, it would suffice to observe that writ jurisdiction is not an

amenable forum in such regard¹. It has been held time and again by the Apex Court that findings concurrently recorded by the learned lower fora cannot be disturbed in writ jurisdiction of this Court under Article 199 of the Constitution².

After arguing the matter at length, learned counsel for the petitioner submits that the petitioner would vacate the tenement in question if reasonable time is accorded. Learned counsel for the respondent tendered no objection to this proposal. By consent, this petition is disposed with directions to the petitioner to vacate the tenement in question within a period of three months. It is made clear here that the petitioner would continue to pay monthly rent to the Respondent/landlord as well as deposit monthly utilities. In case, the petitioner fails to vacate the subject tenement after the aforementioned period, the learned Rent Controller will issue writ of possession with police aid.

JUDGE

Aadil Arab

¹ 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415.

² Farhan Farooq v. Salma Mahmood (2022 YLR 638), Muhammad Lehrasab Khan v. Mst. Aqeel un Nisa (2001 SCMR 338), Mrs. Samina Zaheer Abbas v. Hassan S. Akhtar (2014 YLR 2331), Syed Shariq Zafar v. Federation of Pakistan & others (2016 PLC (C.S) 1069).