

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.S-711 of 2021

Date	Order with signature of Judge
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- 1.For order on CMA No.5988/2022
- 2.For order on CMA No.5475/2021
- 3.For hearing of CMA No.4566/2021
- 4.For hearing of main case

16.02.2026

Mr. Abdul Mutalib, Advocate for the petitioner
Mr. Qamar Ahmed Shaikh, Advocate for the respondent.

This petition assails the concurrent findings rendered by learned Rent Controller dated 26.03.2018 in Rent Case No.220/2014 as well as Order dated 28.08.2021 rendered by learned Additional District Judge-VI Central, Karachi in FRA No.223/2018 ("**Impugned Orders**").

Learned counsel for the petitioner premised his case on the argument that the petitioners are in the subject tenement since 2012 and no default has been committed by the petitioner in payment of rent but the learned lower fora failed consider the facts and rendered the impugned orders in haphazard manner.

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 that they are the old tenant and being an old tenant from the year 2012 and having invested huge amounts on establishment of

business, which had earned goodwill as well, are entitled to retain possession of the subject tenement, are not grounds and would be irrelevant¹. 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.

In so far as the plea for de novo appreciation of evidence is concerned, it would suffice to observe that writ jurisdiction is not an amenable forum in such regard³.

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 Per Yahya Afridi, Muhammad Ali Mazhar and Musarrat Hilali.JJ in Mohammad Ziafat v. Tariq Nawaz Khan Tareen in Civil Petition No. 3661/2025 decided on 11.11.2025 and Messrs F. K. Irani & Co. versus Begum Feroze (1996 SCMR 1178). https://www.supremecourt.gov.pk/downloads_judgements/c.p. 3661_2025.pdf

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).

³ 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415.

