

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

CP.No.S-690 of 2025

(M/s Khas Trading through Attorney Muhammad Rafiq Nizami v Habib Ismail & others)

Date	Order with signature of Judge
------	-------------------------------

**16<sup>th</sup> February 2026**

Mr. Rashid Hussain advocate for the Petitioner.

Mr. Naeem Suleman advocate for respondent.

-----

**ORDER**

**Adnan-ul-Karim Memon, J.** Being aggrieved and dissatisfied with the Judgment dated 09.07.2025 passed by the learned XIIth Additional District Judge / Model Civil Appellate Court, Karachi South in FRA No.31/2025 as well as Order dated 14.02.2025 passed by the learned IXth Rent Controller, Karachi (South) in Rent Case No.187/2022, whereby the ejectment application filed by Respondents No.1 & 2 was allowed, the Petitioner has preferred the instant Constitutional Petition.

Briefly stated, Respondents No.1 & 2 claimed themselves to be the owners/landlords of H.A. Esmail Lotia Building situated at Plot No.MR-2/49, Corner Murad Khan Road, Main M.A. Jinnah Road, Karachi, and alleged that the Petitioner is a tenant in respect of Shop No.3 on the ground floor at a monthly rent of Rs.5,324/-. It was contended that the Petitioner had not been utilizing the demised premises for the last several years, thereby impairing its value and utility, and that the premises were required by Respondent No.2 for his personal bona fide need to start an independent business.

The Petitioner contested the ejectment application by filing a detailed written statement, denying the existence of landlord-tenant relationship, the alleged non-user of premises, default in payment of rent, and the purported bona fide personal requirement, asserting that the rent was being paid regularly and that the application had been filed merely to enhance the rent.

After recording evidence of the parties, the learned Rent Controller, vide Order dated 14.02.2025, allowed the eviction application on the grounds of relationship of landlord and tenant, default, and personal bona fide requirement. The Petitioner assailed the said Order through First Rent Appeal No.31/2025, however, the learned Appellate Court, vide Judgment dated 09.07.2025, dismissed the appeal without

properly appreciating the oral and documentary evidence available on record, thereby upholding the eviction order.

In view of the foregoing and after arguing the matter at some length, learned counsel for the parties have mutually agreed to the disposal of the instant petition on the undertaking that the Petitioner/Tenant shall vacate the demised premises on or before 30.06.2026, subject to payment of usual rent.

Accordingly, with the consent of the parties, the instant Constitutional Petition stands disposed of in the above terms, with the direction that the Petitioner shall hand over peaceful and vacant possession of the demised premises to the Respondents within the stipulated period, failing which the Respondents shall be at liberty to seek enforcement of this order in accordance with law.

J U D G E

Shafi