

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

C.P No.S- 580 of 2015
C.P No.S-581 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE
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22.11.2016.

Mr. Hakim Ali Siddiqui, Advocate for petitioners.

Mr. Muhammad Sulleman Unar, Advocate for private respondents.

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Counsel for the parties have concluded their arguments and judgments have been cited at bar.

From perusal of the pleadings, it appears that a serious question with regard to relationship of landlord and tenant is required to be determined which was not determined and the tentative order was passed under Section 16 of Sindh Rented Premises Ordinance, 1979, which was not complied with and after the defense was struck off in terms of Section 16(2) of Sindh Rented Premises Ordinance, 1979, an appeal was preferred which also met with the same fate and both the orders of Courts below have been challenged in the present proceedings.

Numbers of reported decisions have been cited by both sides, however, what is relevant is 1992 SCMR 1149, wherein, the Honourable Apex Court has held that in such cases before deciding the application under Section 16(1) of Sindh Rented Premises Ordinance, 1979, the issue about relationship of landlord and tenant should be framed and decided.

In view of above and for reasons to be record later, both these petitions are allowed and consequently rent applications filed by the respondents stand revived and the learned Rent Controller will first frame an issue with regard to relationship of landlord and tenant and decide the same before proceeding further. However, in the intervening period the petitioners/tenants shall deposit the rentals in view of the earlier tentative rent order dated 17.05.2014 within a month from today and will continue to deposit the same in terms of the said tentative rent order. However, till the final decision of the rent cases, the respondents will not be allowed to withdraw the said rentals.

JUDGE