

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P. No.S-1185 of 2024

Date	Order with Signature of Judge
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<i>Khair-un-Nisa Late through Legal Heirs.....Petitioner</i>	
<i>Versus</i>	
<i>Muhammad Umar and others. ....Respondents</i>	

Date of hearing :22.05.2025  
Date of order :22.05.2025

Mr. Muhammad Naeem Memon, Advocate for the Petitioner.  
Syed Muhammad Haider, Advocate for the Respondent.  
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**O R D E R**

Instant petition has been preferred against the Impugned judgment dated 03.10.2024 passed in F.R.A. No.145/2024 by the learned XIIth Additional District & Session Judge, South at Karachi. The said F.R.A. emanated from the order dated 24.04.2024 passed by the XVth Senior Civil Judge/Rent Controller, South at Karachi, in Rent Case No.442/2023. Briefly stated, the above-mentioned Rent Case was preferred on two grounds, mainly default and subletting under Section 15 of the Sindh Rented Premises Ordinance, 1979. Learned counsel for the Petitioner through instant petition has Impugned the concurrent findings of the Courts below.

2. Learned counsel for the Petitioner has argued that the concurrent findings of the Courts below require interference of this Court as he was never given the opportunity to examine the Respondent nor he was given opportunity to lead his own evidence. Learned counsel in this respect has stated that he is a tenant in for over two decades and deserved consideration of this Court. In that respect he has prayed that the matter may be remanded back to the trial Court and he may be allowed to lead evidence and also to cross-examine the Respondent.

3. Learned counsel for the Respondent has argued that it is a clear case of default and subletting and requires no interference. More so, there are concurrent findings of the Courts below. He has further argued that several opportunities were given to the Petitioner and therefore, his case stood proved and the Petitioner is liable to be ejected from the tenement.

4. I have heard both the learned counsels for the parties and perused the record. The Impugned judgment of the learned Appellate Court gives very detailed back ground of the said case and correctly reveals the opportunities given to the learned counsel for the Petitioner to record evidence, which were not availed. The same may not be reiterated as it is evident from paragraphs No.14, 15 and 16 of the Impugned judgment. It is also trite law that once the Respondent/landlord steps into the witness box and examination-in chief was recorded, the failure of the Petitioner to cross-examine the Respondent was fatal to his claim. Further, it does not help to the case of the Petitioner that he did not lead his own evidence and in that respect the alleged receipt for deposit of rent, was never exhibited before the learned Rent Controller. In view of what has been held above, instant petition is devoid of any merit. No case of interference is made out. Instant petition is hereby dismissed along with listed application with no order as to cost.

5. At this juncture, learned counsel for the Petitioner requests for three months' time to vacate the subject tenement from today. Order accordingly.

Judge

Nadeem