

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.S-1245 of 2024

Date	Order with Signature of Judge
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Aurangzaib (since deceased) through LRs.....*Petitioner*

Versus

Abdul AliRespondent

Hearing/Priority

- 1. For orders on CMA No.11221/2024
- 2. For orders on office objections as at ‘A’.
- 3. For hearing of CMA No.9427/2024
- 4. For hearing of main case.

Date of hearing :23.05.2025

Date of order :23.05.2025

Mr. Waseem Zafar, Advocate, holding brief for Mr. Muhammad Haroon Shaikh, Advocate for the Petitioner.
M/s. Muhammad Iqrar and Saima Naseeb, Advocates for the Respondent.

O R D E R

Through instant petition, the Petitioner has Impugned the judgment dated 14.10.2024 passed in FRA No.35 of 2024. The above noted FRA emanated from the order dated 19.03.2024 passed in Rent Case No.112/2023. The said Rent Case was filed by the Respondent for ejectment on the sole ground of default. Learned counsel for the Petitioner has Impugned the concurrent findings of the Courts below.

2. Learned counsel for the Petitioner had earlier argued on 05.05.2025 and sought time to produce the cross-examination of the respective parties. Today, brief is held by Mr. Waseem Zafar, Advocate, and he has stated that the learned counsel for the Petitioner has already concluded his submissions and instant adjudication may take place on the basis of the submissions made earlier. In a

nutshell, learned counsel for the Petitioner has argued that there is no default and the concurrent findings of the Courts below are a result of misreading and non-reading of evidence.

3. Conversely, learned counsel for the Respondent has argued that prior to filing of the Rent Case mentioned above the Respondent filed application under Section 8 of the Sindh Rented Premises Ordinance, 1979, for fixation of fair rent. It is stated by the learned counsel that the fair rent was fixed by the Rent Controller and subsequently modified by the learned Appellate Court. Learned counsel has further stated that the default has been admitted by the Petitioner during his cross examination.

4. I have heard both the learned counsels and perused the record. I have also perused more particularly, the judgments of the Courts below and the cross-examination of the Petitioner, relevant part of the same is reproduced below: -

“It is correct to suggest that I have never deposited rent amount at the rate of Rs.5000/- since order passed in fair rent case till passing order in FRA on 27.09.2019. It is correct to suggest that since passing order in FRA No.16/2019 the rent amount depositing at the rate of Rs.3000/- without per annum increment. It is correct to suggest that with increment of 10% per year rent at the rate of Rs.3000/- per year.

It is correct to suggest that I have not produced receipt of payment of rent from January 2023 to November, 2023. Voluntarily says that I only produced receipt of the last three month and also deposited rent of each and every month in MRC No.46/2017. It is incorrect to suggest that I have not deposited monthly rent since January 2023 to November 2023. I do not know that whether there I dues of K-Electric of rented premises because no meter installed for the said shop. It is correct to suggest that we are not paying K-Electric bill. Voluntarily says that we are using generator.”

5. It is evident from the perusal of the above-noted cross examination that the default has been admitted by the Petitioner and the courts below have correctly allowed the ejectment application of the Respondent. Perusal of the examination of the Respondent reveals that no specific question was posed to the Respondent regarding the details of default enumerated in the Affidavit in Evidence.

6. In view of what has been held above, I agree with the contention of the learned counsel for Respondent that the default has been admitted by the present Petitioner in that regard the concurrent findings of the Courts below do not suffer from any infirmity and do not require any interference by this Court.

Accordingly, instant petition being devoid of any merits is hereby dismissed along with listed application with no order as to cost.

Judge

Nadeem