

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P No.S-458/2025

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|------|-------------------------------------|
| Date | Order with Signature(s) of Judge(s) |
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1. For orders on CMA No.3972/2025.
2. For orders on CMA No.3973/2025.
3. For orders on CMA No.3974/2025.
4. For hearing of main case.

02.06.2025

Mr. Faiz Mehmood Khan Durrani, Advocate

1. Granted.
2. Exemption is granted subject to all just exceptions.
- 3-4. Learned counsel for the Petitioner files statement alongwith copy of Rent Execution No.16 of 2024 with respect to the execution of the impugned orders. Learned counsel states that the Petitioner is the tenant with respect to the demise premises i.e. Plot No.223, PIB Colony, Karachi and is regularly paying rent. Upon demise of the landlord, notice under Section 18 of the Sindh Rented Premises Ordinance (SRPO) was served upon the Petitioner. Based thereon, the Petitioner is regularly paying rent. That an application under Section 15(ii) SRPO was initiated by the landlord on the allegation of default and an application under Section 16(i) SRPO was also filed regarding which, order dated 13.11.2023 was passed. In compliance thereof, the Petitioner is regularly depositing rent. However, since the Petitioner was bound under the law to deduct withholding tax on monthly rent under Section 153 of the Income Tax Ordinance, hence the Petitioner was deducting the same, which was considered by the learned Rent Controller as default and in this regard a sum of Rs.4,44,137/- was considered as the defaulted amount. Based thereon, the impugned order dated 01.02.2024 was passed under Section 16(ii) SRPO, whereby ejectment of the Petitioner was ordered which was assailed in First Rent Appeal No.37 of 2024, however within the same fate.

It is vehemently pleaded by the learned counsel that no default has been committed and the entire impugned orders have been passed without application of judicial mind and without realizing that the tenant is bound by law to deduct the tax amount before paying rent to the landlord in terms of the Section 153 of the Income Tax Ordinance. Points raised by the learned counsel require consideration. Issue notice to the Respondents and in the meanwhile, operation of the impugned orders dated 08.05.2025 and 01.02.2024 are suspended till the next date of hearing.

Adjourned **01.07.2025.**

JUDGE

Hyder/PS*