

**IN THE HIGH COURT OF SINDH, CIRCUIT
COURT HYDERABAD**

C.P No. S-524 of 2023

[Javed and another v. Abdul Rasheed & others]

Petitioner : Javed and Munwar Ali through
Mr. Aghis-u-Salam Talhirzada,
Advocate.

Respondent No.1 : Abdul Rasheed through
Miss. Saiqa Ansari, Advocate.

Respondents No.2&3 : Formal party.

Date of Hearing : **27.02.2026**

Date of Order : **27.02.2026**

ORDER

RIAZAT ALI SAHAR. J., - The petitioner has filed the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

2. The background of this case is that the respondent/landlord instituted Rent Application No.06 of 2022 before the learned Rent Controller, Tando Allahyar, seeking eviction of the petitioners from Shop No.03 situated near Shah Latif Gate, Tando Allahyar, on the grounds of default in payment of rent, change of business and alleged misconduct. The petitioners contested the application, denying default and asserting that the landlord had refused to receive rent, where after the same was remitted through money order and subsequently deposited before the Rent Controller. After recording evidence of the parties, the learned Rent Controller held that the relationship of landlord and tenant existed; however, the landlord failed to prove default or other grounds of eviction. Consequently, the rent application was

dismissed through final order dated 24.02.2023. Being aggrieved by the dismissal of the rent application, the respondent/landlord preferred First Rent Appeal No.03 of 2023 before the learned Model Civil Appellate Court/District Judge, Tando Allahyar. The appellate Court allowed the appeal, set aside the order of the Rent Controller and directed the petitioners to vacate the shop and hand over its possession to the landlord within sixty (60) days vide order dated 19.09.2023. Against the judgment of appellate Court, the petitioners have invoked the constitutional jurisdiction of this Court.

3. During the course of proceedings, learned counsel for respondent No.1 submitted a statement that the disputed shop would be demolished and the area would be merged with the adjoining Mosque premises for the purpose of its expansion. In view of such statement, learned counsel for the petitioners submitted that they would not press the instant petition if the shop is in fact demolished and incorporated into the Mosque premises; however, in case the shop is reconstructed or renovated in future, the same shall be offered to the petitioners subject to appropriate terms and conditions. In light of this arrangement and the statement made on behalf of respondent No.1, no further adjudication remains necessary.

4. In view of the statement made by learned counsel for respondent No.1 that the disputed shop shall be demolished and the area merged into the Mosque premises for its expansion, learned counsel for the petitioners does not wish to press the instant petition. It is, however, clarified that in case the shop is reconstructed or renovated in future, the same shall be offered to the petitioners subject to appropriate terms and conditions. In these circumstances, no further adjudication is required. Consequently, the instant petition stands **disposed of** in the above terms.

JUDGE