

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

C.P. No.S-186 of 2026

[Khalil-ur-Rehman v. Muhammad Ismail Qureshi]

1. For order on MA No.628/2026.
2. For order on office objection.
3. For order on MA No.629/2026.
4. For order on MA No.630/2026.
5. For hearing of main case.

Petitioner : Khalil-ur-Rehman through Mr.Noman
Raja Khan, Advocate.

Respondents : Nil.

Date of Hearing : 18.03.2026

Date of Decision : 18.03.2026

ORDER

RIAZAT ALI SAHAR. J. - Through this petition, the petitioner is seeking following relief:-

"The petitioner humbly prays that this Honourable court would be very kind to call for record and proceedings of the rent application No.173 of 2025 and after perusal of the impugned order and proceedings and looking to the validity, propriety of the impugned order and hearing the parties set aside the impugned Order dated 05.03.2026 which is illegal and without jurisdiction and directing to the learned rent controller to determine the relationship of land lord and tenant between the parties before proceedings any step further."

2. This constitutional petition has been moved under Article 199 against the order dated 05.03.2026 passed by the VIIth Senior Civil Judge/Rent Controller, Hyderabad. The Rent Controller, while deciding an application under section 16 (1) of the Sindh Rented Premises Ordinance (SRPO), 1979, directed the petitioner to deposit monthly rent at the rate of Rs.100,000/- in Rent Application No.173 of 2025 filed by respondent.

3. The learned counsel for the petitioner contends that no landlord-tenant relationship exists as the petitioner entered into an

agreement of sale dated 01.08.2024 for a total consideration of Rs.55,000,000/-, out of which Rs.25,000,000/- has been paid. He contends that the Rent Controller exceeded jurisdiction by ordering rent deposit without first framing a preliminary issue regarding the relationship of the parties, especially while Suit No.125 of 2026 filed by the petitioner for Specific Performance is pending. He contends that he is the lawful owner through a registered sale deed, therefore, he is not liable to pay the rent amount as fixed by the learned Rent Controller and in case the petition is not allowed, the petitioner would suffer financial loss.

4. Heard and perused the record.

2. At the very outset, it is necessary to reiterate the well-settled scope of constitutional jurisdiction of this Court under Article 199 of the Constitution. This Court does not sit as a Court of appeal over the findings recorded by the forums constituted under special statutes. Even the impugned order is not appealable; however, the supervisory jurisdiction of this Court is confined to examining whether the impugned order suffers from jurisdictional defect, patent illegality and violation of mandatory provisions of law. Reappraisal of findings of fact recorded by the Court below is ordinarily not permissible unless the same are shown to be perverse or arbitrary.

5. In rent proceedings, a mere denial of relationship or a pending civil suit for title does not automatically oust the Rent Controller's jurisdiction under Section 16 (1) of the Sindh Rented Premises Ordinance (SRPO), 1979. Until a decree for Specific Performance is passed, the petitioner cannot occupy commercial godowns and shops without payment. In this context, the Order dated 29.01.2026 passed by the Honourable Supreme Court of Pakistan in the case of Nawab Khan and another v. Muhammad Yousaf and others [C.P.L.A. No.806-P/2018 & CMA No.1877-P of 2018] authoritatively settles the controversy. In paragraph-7 thereof, the Honourable Supreme Court summarized the legal position in clear terms that:

- (i) A tenant who subsequently asserts acquisition of ownership rights is bound by estoppel under Article 115 of the Qanun-e-Shahadat Order, 1984, and cannot deny the landlord's title while continuing in possession as tenant. If he intends to contest proprietary title, he

must first surrender possession and thereafter seek adjudication of his claim.

- (ii) An ejectment petition against such tenant remains maintainable, since the mere assertion or alleged acquisition of ownership rights does not terminate the tenancy nor does it oust the jurisdiction of the Rent Controller.
- (iii) Where the tenant claims to have purchased a share or acquired co-ownership, the proper remedy is not to resist ejectment proceedings but to seek recourse through a civil suit for partition.

6. The Rent Controller's order acts as a "security" for the landlord. The impugned order is interlocutory and aimed at protecting the subject matter. No gross illegality or violation of constitutional rights is observed.

7. The learned Rent Controller rightly exercised discretion to ensure the landlord is not deprived of the benefits of his property while the title is being contested. The petitioner is directed to comply with the deposit order. Consequently, this Constitutional Petition is hereby **dismissed in *limini*** with no order as to costs along with listed applications.

JUDGE

Abdullahchanna/PS