

Order Sheet

IN THE HIGH COURT OF SINDH, KARACHI

C.P Nos. S- 1429 of 2025

C.P Nos. S- 1435 of 2025

Date	Order with signature of Judge
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Hearing of case.

1. For orders on office objection Nos. 1 to 5.
2. For hearing of main case.

21.09.2026

Mr. Khalid Mehmood Siddiqui, Advocate for the Petitioner CP No. D- 1429/2025 and for Respondent in CP No. 1435/2025.

Ms. Saira Shaikh, Advocate for the Respondent in CP No. D- 1429/2025 and for Petitioner in CP No. 1435/2025.

MOHAMMAD OSMAN ALI HADI J.: These instant Petitions arise out of the impugned Judgment dated 20.10.2025 passed by the VIth Additional District Judge, Karachi Central in FRA No. 43/2023. The matter pertains to rental proceedings which were filed and went all the way up to the Honourable Supreme Court of Pakistan. The Supreme Court passed a Judgment dated 01.07.2025, whereby, the matter was remanded back to the Appellate Court i.e. VIth Additional District Judge, Karachi Central, to determine the fair rental amount. The matter was decided by the Appellate Court out of which the Impugned Judgment arises, which is challenged by both the Appellant and Respondent in C.P No. S-1429/2025 and C.P No.S-1435/2025, the instant Respondent filed C.P No. S- 1435/2025 (tagged herein), in which he has also challenged the Impugned Judgment. The contention of the Petitioner in C.P No. S-1429/2025 is that the Impugned Judgment was passed beyond the corners of the statute and that the Appellate Court is bound under Section 8(1) of the Sindh Rented Premises Ordinance 1979

to determine fair rent, but that the Appellate Court went beyond such statutory mandate. In particular, the Petitioner is aggrieved by the fact that the Appellate Court determined the fair rent on extraneous factors such as the premises was said to be for a “noble cause”, which Counsel submitted that was not a legal ground for determination of fair rent.

Learned counsel for the Petitioner in C.P No.S-1435/2025 has also challenged the said Judgment. She states that Impugned Judgment was passed without any consideration of the legal confinement under the Sindh Rented Premises Ordinance 1979, and she submits that none of the requirements for determination of fair rent as enunciated under Section 8(1) of the Sindh Rented Premises Ordinance 1979 are properly considered in the Impugned Judgment.

In light of the submissions of the learned counsels and with their consent, the Impugned Judgment is hereby set aside and matter is referred back to the Appellate Court to re-determine the fair rent, strictly keeping in view the parameters of Section 8(1) of the Sindh Rented Premises Ordinance 1979 and whilst entertaining legal submissions or objections that the Petitioner / Respondent have; and to properly re-decide the assessment of fair rent as was directed by the Honourable Supreme Court vide Judgment dated 01.07.2025, after which the Appellate Court should issue a speaking order showing the legal grounds for reaching their determination. This process should be concluded within three (3) months from the date of this Order. Accordingly, these Petitions stand disposed of in the above terms.

Office to place copy of this Order in the connected Petition.

J U D G E

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