

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-471/2021
Const. Petition No. S-472/2021

Date	Order with signature(s) of Judge(s)
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Hearing of case.

1. For orders on office objections as at A.
2. For hearing of main case.

20.08.2026.

Mr. Naseer Shah, Advocate for the Petitioner.

Mr. Hasnain Ali Chohan, Advocate for the Respondent.

Ch. Muhammad Rasheed, AAG.

The captioned petitions are directed against the concurrent findings of fact rendered by the IInd Rent Controller Karachi West (trial Court) in Rent Case No. 203 of 2015 (Re-Syed Mohammad Arif Naseem versus Late Ahmed Jan and others), vide its order dated 17.11.2020, and by the learned District Judge, Karachi (West), in FRA No. 97 of 2020 (Re-Syed Mohammad Arif Naseem versus Late Ahmed Jan and others), whereby the rent case was dismissed on the ground that the Petitioner had failed to establish the relationship of landlord and tenant between himself and Respondent No. 2. Since common question of law is involved, therefore, petitions are dealt with through this single order.

2. Heard learned counsel for the parties and perused the material available on record.
3. It was the case of the Petitioner that he had rented out the premises to Respondent No. 1, Ahmed Jan, who thereafter sublet the same to Respondent No. 2, Liaquat Ali, and that Respondent No. 2 subsequently committed default in payment of monthly rent.
4. From the pleadings of the parties, the learned trial Court framed five points for determination, whereafter the parties were afforded an opportunity to lead their respective evidence. The Petitioner, who was burdened with proving the relationship of landlord and tenant, failed to establish the same. On the contrary, Respondent No. 2 succeeded in establishing his claim of ownership through a Decree of Civil Court and sought cancellation of the lease in favour of the Petitioner. The matter is now pending adjudication before this Court in IInd Appeal No. 118 of 2025, filed by the Petitioner.
5. Since findings of fact with regard to the ownership and title of the premises have been rendered in favour of Respondent No. 2, the Courts below rightly observed that the relationship of landlord and tenant did not exist between the parties. The Petitioner having failed to discharge the burden of proving the relationship of landlord and tenant, and the parties being embroiled in litigation concerning the title and ownership of the premises in separate civil proceedings, the question of title is required to be resolved by the competent

Civil Court. In these circumstances, no exception can be taken to the concurrent findings recorded by the Courts below.

6. In view of the above, these petitions are *dismissed* accordingly.

JUDGE

Jamil