

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

Constitution Petition No. S-325 of 2023.

*Shafi Muhammad @ Anwar Ali & another v. Mr. Agha Shah
Pasand & others.*

Date	Judgment with signature of Judge
	1. For orders on office objections 'A'. 2. For hearing of M.A No.748/23 (S/A). 3. For hearing of main case.

14-09-2026.

Mr. Majid Hussain Khokhar, Advocate for
petitioners.

Mr. Abdul Rehman Mughal, Advocate for
Respondents No.1 to 3.

Mr. Saeed Akbar Siyal, Assistant Advocate
General.

JUDGMENT

Ali Haider Ada J.- The petitioners, being tenants, were
proceeded against in Rent Application No.03 of 2020, filed
by respondents No.1 to 3, being the landlords, under
Section 15 of the Sindh Rented Premises Ordinance, 1979,
seeking their eviction from the demised premises. The
learned Senior Civil Judge/Rent Controller-I, Jacobabad,
allowed the said Rent Application. The order of the learned
Rent Controller was thereafter assailed by the present
petitioners through Rent Appeal No.02 of 2022 before the
learned District Judge, Jacobabad, which was also
dismissed, thereby maintaining the order passed by the
learned Rent Controller.

2. Feeling aggrieved by the concurrent findings recorded
by the learned Rent Controller as well as the learned

Appellate Court, the petitioners have approached this Court seeking setting aside of the impugned orders.

3. Learned counsel for the petitioners submits that there is a dispute regarding the relationship of landlord and tenant between the parties, as according to the petitioners, they are not occupying the premises described in the Rent Application. He further submits that the utility bills are in the names of the petitioners and that the respondents failed to establish the relationship of landlord and tenant between the parties. According to learned counsel, in the absence of such relationship, the learned Rent Controller had no jurisdiction to entertain and allow the Rent Application. In support of his contentions, he has placed reliance upon 1994 SCMR 572, 1992 SCMR 1149, PLD 2003 Sindh 444, 1993 CLC 1702 and an unreported judgment of this Court in C.P. No.S-437 of 2025.

4. Conversely, learned counsel for respondents No.1 to 3 submits that the stance taken by the petitioners is misconceived. He contends that the title documents stand in favour of the respondents, which is also reflected in the extract of the Property Register Card, to which he has drawn the attention of this Court. He further submits that, despite taking the plea that they are not occupying the demised premises, the petitioners are, in fact, in possession thereof. According to him, the respondents have fully established their status as landlords and the petitioners have raised a dispute regarding ownership without any cogent basis, merely with a view to retaining possession of the property. Learned counsel further submits that the tenancy and payment of rent were already acknowledged during the Rent proceedings and that the petitioners had

been regularly paying rent; however, after their shifting from the City, they stopped payment of rent.

5. Learned Assistant Advocate General, Sindh, has also supported the impugned orders and submitted that no interference by this Court is warranted.

6. Heard and perused the material available on record.

7. From the evidence available on record, it transpires that the demised premises, bearing No.1004/5, situated in Ward No.5, Ghousa Colony, stood in the name of the landlords. Moreover, the City Survey report, which was summoned by the learned trial Court during the proceedings, also reflects that the said property stood in the name of the father of respondents No.1 to 3.

8. The Rent Application was filed on the ground of default in payment of rent. The learned Courts below, after examining the material available on record, concurrently recorded findings against the petitioners. Before this Court, the petitioners have failed to identify any material piece of evidence which has been misread or overlooked by the learned Courts below. They have also failed to point out any illegality, material irregularity or jurisdictional defect in the concurrent findings warranting interference in constitutional jurisdiction.

9. As regards the dispute regarding ownership, a tenant who seeks to challenge the landlord's title is required to raise such objection on a cogent and legally sustainable basis. A mere verbal denial of the landlord's ownership, in the face of documentary evidence supporting the respondents' title, cannot by itself be made the basis for disturbing the concurrent findings of the learned Courts

below. In the present case, the documentary material available on record supports the respondents' claim, whereas the petitioners have failed to produce any convincing material to dislodge the same. Reliance in this regard is placed upon **Faisal Paracha and another v. Additional Sessions Judge and another (2026 SCMR 1355)**.

10. In view of the foregoing facts and circumstances, and keeping in view the concurrent findings recorded by the learned Courts below, which have not been shown to suffer from any misreading or non-reading of evidence, illegality or material irregularity, no case for interference is made out. Consequently, the instant petition, being devoid of merit, is hereby dismissed.

JUDGE