

IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-352 of 2026
(Shakeel – vs – Arshad Naseem & another)

Date	Order with signature(s) of Judge(s)
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Hg:/Priority.

- 1. For hearing of Misc. No.2561/26
- 2. For hearing of main case.

16.09.2026.

Mr. Abdul Samad Shaikh, Advocate for the Petitioner.

Mr. Abdul Qadir Mirza, Advocate for the Respondent.

ORDER

Nisar Ahmed Bhanbhro, J. This petition is directed against the order dated 30.03.2026 whereby the Court of Vth Rent Controller Karachi-East had allowed an application under Section 16(2) of Sindh Rented Premises Ordinance, 1979 (SRPO, 1979) directed the Petitioner to vacate the demised premises within a period of 30 days.

2. When confronted as to the filing an appeal against the said order, learned counsel for the petitioner submits that his constitutional rights have been infringed; therefore, he has directly invoked the constitutional jurisdiction of this Court by filing the instant petition. He further submits that the matter may be remanded back to the learned trial Court, as the petitioner is not a tenant but the owner of the demised premises. He contends that a civil suit on the same subject is also pending adjudication and that the petitioner’s rights are protected under Section 53-A of the Transfer Property Act, 1982. He, therefore, prays that the instant petition may be allowed and the matter be remanded to the learned trial Court.

3. Learned counsel for Respondent No.1 contended that the order passed by the learned Rent Controller is appealable in terms of Section 21 of the SRPO, 1979, therefore, this petition is not maintainable under the law.

4. Heard arguments and perused the material available on record.

5. It transpired from the record that the rent case was allowed on account of the petitioner’s failure to comply with an order passed under Section 16(1) of the SRPO, 1979 defense was struck off, and he was directed to vacate the demised premises within 30 days by invoking the provisions of Section 16(2) of the SRPO, 1979. Such order was appealable in terms of Section 21 of the Ordinance. The petitioner, without exhausting the said statutory remedy, has directly invoked the jurisdiction of this Court by filing the instant petition, which, prima facie, is not maintainable. For clarity, this Court ought not to be treated as an appellate forum against an order passed by the Rent Controller

where a specific statutory remedy of appeal has been provided. The ordinary appellate forum should not be bypassed.

6. In view of the above, the instant petition is hereby dismissed with no order as to cost. However, Petitioner is at liberty to avail the remedy under Section 21 of SRPO, 1979, if so advised.

JUDGE