

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**C.P.No.S-436 of 2013**

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DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

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**Hearing/Priority of Case**

1. For orders on CMA No.290/2015
2. For orders on office objection and reply of advocate as at "A".
3. For orders on CMA No.2049/2013.
4. For hearing of CMA No.2050/2013.
5. For hearing of CMA No.2063/2013.
6. For hearing of Main Case.

**23.09.2016**

None present.  
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A complete perusal of the diary sheet depicts that out of 13 times this case has been fixed, the counsel for the Petitioner has stayed away from the Court for more than eight times, which clearly depicts lack of interest with the proceedings of the matter, and the fact is that the matter was listed for non-prosecution for more than one time in past also. This conduct of the Petitioner's counsel obviously depicts that they have lost interest in the matter. I, therefore, do not find any reason to linger on with this petition.

Now coming to the merits of the case, which relates to an office premises, it is observed that there are clear occasions of willful default and relying on 2008 MLD Lahore 883, in this well-reasoning order, the learned trial Court dismissed FRA. A perusal of the instant FRA alongwith Rent Controller's order does not show any sign of (a) non-reading/misreading of evidence; (b) erroneous assumption of facts; (c) the misapplication of law; (d) excess or abuse of jurisdiction; or (e) arbitrary exercise of powers.

Being devoid of the above referred prerequisites, in my view no breach of any of the constitutional rights of the Petitioner has taken place leading to invoking of the constitutional jurisdiction of this Court through the instant petition, in particular when the remedy of the appeal has already been availed against the first order.

For the reasons detailed in the case of C.P No.S-611 of 2011 (PSO vs. Zulekha Khanum & others) vide judgment dated 14.06.2016 and in particular being devoid of any of the prerequisites enabling this Court to intervene in the order of the IIIrd Additional District Judge, Karachi East, the instant petition, following the dictum laid down in 2001 SCMR 338 and 2014 YLR 2331, being devoid of any merit, is accordingly dismissed.

Manzoor

Judge