

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P.No.S-2032 of 2016.

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For katcha peshi.
2. For hearing of M.A-19795 of 2016.

16.11.2017.

Mr. Ghulam Sarwar Qureshi, Advocate for the petitioner.

Mr. Muhammad Arshad S. Pathan, Advocate for respondent No.1.

Mr. Wali Muhammad Jamari, Assistant A.G.

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Learned counsel for the petitioner files statement annexing therewith certified copies of plaint of FC Suit as well as case diaries, taken on record, a copy whereof has been provided to other side.

2. This is a constitutional petition on the conclusion of rent proceedings in the matter relating to a shop.

3. Learned counsel for the petitioner states that the relationship of landlord and tenant between the parties was under cloud and the learned appellate Court had failed to appreciate the matter of additional evidence as was required. Learned counsel for the petitioner has taken me through the record as to the contention raised, he further relied upon **1993 CLC 2368** and **1989 CLC 252**. It is as such contended by the learned counsel for the petitioner that further evidence is required for proper conclusion of the trial.

4. Learned counsel for respondent No.1 / landlord, however, states that in the matter tenancy, payment of rent were admitted along with rent receipts issued by the landlord. It is further contended by the learned counsel for respondent No.1 / landlord that petitioner had preferred to deposit rent with the Rent Controller in the name of the said landlord / petitioner.

5. In rebuttal, learned counsel for the petitioner states that the said landlord is not the actual landlord and in this respect civil Court has also been approached, as the earlier landlord a corporate body of Anjuman-e-Himayatul Islam was present and the present landlord has appeared without any

entitlement. Learned AAG supported the arguments of learned counsel for respondent No.1 / landlord and the impugned orders stating that the learned trial Court as well as the learned appellate Court had considered all the relevant material in the matter.

6. Having heard the learned counsels and gone through the record, it may be observed that rent proceedings require specific formation on account of its limited special jurisdiction. In the present case nothing has been shown where the relationship of tenant and landlord could be said to have been denied by any serious attitude. It is also observed that the reason for adducing additional evidence as being before the learned Appellate Court was not up to the mark. It has further been pointed out that the parties are in civil litigation in respect to the ownership rights as such may go into the detailed inquiry as may be required therein. This proceedings arising from the findings of Rent Controller however do not require any interference, accordingly, the instant constitutional petition is dismissed along with pending application with no orders as to costs.

JUDGE

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