

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
Const. Petition No.S-12 of 2021

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Date Order with Signature of Judge  
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**Fresh Case :**

1. For orders on CMA No.48/2021.
2. For order on office objection No.03 as at 'A'
3. For orders on CMA No.49/2021.
4. For hearing of main case.
5. For orders on CMA No.50/2021 (u/o xxxix R.1&2 R/W 151 CPC).

**06.01.2021**

Mr. Muhammad Waris Lari, advocate assisted by Ms. Sultana Begum advocate for the petitioner.

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1. Urgency granted.
2. Deferred for the time being.
3. Exemption application is granted subject to all just exceptions.

4-5. It is, *inter-alia*, contended that the petitioner is a tenant of Shop No.7, Ground Floor, Plot No. A-962, Sector 11-B, North Karachi, Township Karachi vide tenancy agreement dated 01.09.2015 on a monthly rent of Rs.16000/- (Rupees Sixteen Thousand Only) with the advance of 1,50,000/- (One lac and fifty thousand only) excluding electricity charges. Per learned counsel, the whole case of the landlord/private respondent was premised on Section 14 of the Sindh Rented Premises Ordinance, 1979 (SRPO), though his case squarely falls within Section 15 of SRPO; that the landlord pretended to be overseas Pakistani so also an old citizen aged about 72 years and sought ejectment of the petitioner from the subject premises on the ground of personal need which was erroneously allowed by the learned both the Courts below. He further pointed out that the ex parte decision has taken place and the petitioner has been condemned unheard; and, was deprived of the legal right to cross-examine the landlord and his witnesses on the subject issue; that the findings of the learned Court below are arbitrary and perverse, thus liable to be reversed; that both the learned courts below have failed to appreciate the legal aspect of the matter and grossly erred in holding that landlord required the subject premises for his personal need and malafidely took resort of Section 14 of SRPO for just ejectment of the petitioner.

At this stage, learned counsel was asked to satisfy this Court as to how this petition is maintainable against the concurrent findings of the facts and law. He reiterated his submissions as discussed supra and referred to various documents attached with the memo of the petition and further argued that he has a good prima-facie case and there is a strong possibility that he may be ejected at any time by the order of the learned executing Court, therefore, the immediate indulgence of this

Court is required in the matter, however, he categorically stated that the petitioner has undertaken to vacate the subject premises within a reasonable time i.e. 06 months.

If this is the position of the case and to appreciate the contentions of the learned counsel for the petitioner as discussed supra, let notice be issued to the respondents as well as to AAG for **08.01.2021**. In the meanwhile, parties to maintain the status quo. However, it is made clear that if on the next date of hearing the petitioner or his counsel fails to argue the matter and avoids to appear on any ground of whatsoever the interim arrangements made today shall stand recalled without further order of the Court.

JUDGE