

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

C.P. No.S-890 of 2019.

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For orders on MA-2432/19 (urgency).  
For orders on office objection.  
For orders on MA-2433/19(exemption).  
For orders on MA-2434/19 (stay)  
For hearing of main case.

19.11.2019.

Mr. Waqar Ahmed, advocate for the petitioner.

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

4&5. It is, *inter alia*, contended by the learned counsel for petitioner that the petitioner is old tenant of the respondent No.1 and he has been non-suited by both the Courts below on the point of willful default though he has made all the payments in the Court, but that factum has been ignored by the learned trial Court. He next submits that there are no arrears of rent against the petitioner, therefore, both the orders passed by learned Courts below are perverse and illegal. He next added that respondent No.1 does not require the subject shop in good faith for his personal bonafide use of his son Burhanuddin. He submitted that he has a good prima facie case and if the proceedings are not stayed he will be evicted as the learned executing Court has started execution proceedings in the matter, which needs interference by this Court ; that findings of the trial Court as well as appellate Court are based on misreading and non-reading of evidence. During course of arguments, I enquired from the learned counsel as to how this petition is maintainable against the concurrent findings of the facts passed by learned Courts below, he states that there is no default and nothing is wrong, therefore, he has been wrongly non-suited in both the cases, therefore, he can establish if notices be issued to the parties and the meanwhile proceedings may be stayed. To appreciate the aforesaid factum of the matter, let in the first instance notice be issued to the respondents for 02.12.2019. In the meanwhile, parties to maintain statusquo till the next date of hearing, however, it is made clear that if on the next date of hearing he fails to argue the matter, the learned executing Court shall be at liberty to proceed with the matter in accordance with law.

JUDGE.