

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No.S-1810, 1811 and 1812 of 2017  
Kamar Ali, Tahir Ali and Rehana Mansoor  
Versus  
Vi-Sr. Civil Judge/Rent Controller & another

Date	Order with signature of Judge
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**Date of hearing: 30.10.2017**

Mr. Altaf Ahmed Shaikh for petitioners in all petitions.

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**Muhammad Shafi Siddiqui, J.**- By this common order I intend to dispose of the subject petitions as these involve common facts and law.

The respondent No.2 filed Rent Case No.28, 30 and 31 of 2016 respectively, which were contested by the petitioners by filing the written statements. The petitioners denied the relationship of landlord and tenant, which issue was sought to be decided by petitioner by moving to the Rent Controller through an application under section 151 CPC. The same was dismissed vide order dated 21.07.2017 impugned in these petitions.

In the ejectment application the respondent No.2 claimed to have purchased the demised premises from Mst. Kalsoom Habib and two others, the joint owners, through their attorney Mrs. Bushra Naveed Shah in whose favour a registered Power of Attorney was executed. The copy of sale deed is attached along with ejectment application and the petitioners have also filed the relevant documents along with statement on 27.10.2017. Copy of notice of attornment/vacation notice dated 09.10.2015 is also filed by the petitioners.

The petitioners' counsel contended that the sale deed was executed by playing fraud hence the respondent cannot be considered as owner/landlord of the demised premises and hence the ejectment application was misconceived.

I have heard the learned counsel and perused the material available on record.

Learned counsel for the petitioner has thrown challenge to a registered sale deed in respect of the demised premises which was registered in favour of respondent No.2 who also issued a notice of attornment. The claim that such notice of attornment/vacation was not served or received by the petitioners even if for the sake of argument is presumed to be correct and true, the notice of ejectment application itself was sufficient to be treated as a notice for vacation.

Furthermore, it appears that these petitions are against an interlocutory order passed on 21.07.2017 whereby the application of the petitioner in relation to framing of preliminary issues was dismissed. The law does not provide any room to file appeal/petition against an interlocutory order. By this tentative/interim order no right appears to have been taken away from the petitioners by rejecting an interlocutory application which could be subjected to petition under Article 199 of the Constitution of Pakistan. The parties, through impugned order, were rightly directed to lead evidence without delay instead of lingering on the matter by moving such applications. The petitions, apart from merits of the case, are also thus not maintainable in view of the fact that it was only an interlocutory order and no substantial right appears to have been taken away by dismissal of application for framing preliminary issues. Had there been an application for tentative rent order the question of the petitioners could have been considered but it is not so pleaded or argued. The petitions are therefore dismissed in limine along with listed applications. The Rent Controller is directed to proceed with the matter strictly in accordance with law.

Above are the reasons of my short order dated 30.10.2017.

**Dated:**

**Judge**