

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

C.P. No.S-1731 to 1733 of 2017

Dr. Kausar Tasneem & Sheharyar Qazi  
Versus  
Habib Muhammad Naseeb & others

Date	Order with signature of Judge
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**Date of hearing: 19.12.2017**

Mr. Muhammad Ramzan Tabassum for petitioners.  
Mr. S. Hassan Ali for respondents No.1 to 3.

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**Muhammad Shafi Siddiqui, J.**- These three petitions involve eviction of the petitioner on the ground of default.

The rent up to December 2014 was admitted to have been paid to the rent collector however a contrary version was taken by the petitioners in the written statements as well as in the affidavits-in-evidence filed by the petitioners. In the written statement in reply to the contents of the application the petitioner has admitted that the rent up to December 2004 was paid to Mst. Rehana whereafter she disappeared and subsequently it revealed that she left the country and having no alternate the rent was deposited in the month of August for the period from January to December 2005. A contrary view was taken when affidavit-in-evidence was filed by one Muhammad Asif Qureshi who is son and attorney of the petitioner/tenant when in paragraph 4 it is stated that rent up to December 2005 was paid to Mst. Rehana but she failed to issue rent receipt. Although it is claimed to be a typing error but it was further highlighted in the same para that the landlady had received the rent from January to December 2005 but declined to issue rent receipt.

When confronted with above contrary version, learned counsel at the very outset made a request that petitioners may be given reasonable time to vacate the premises, which was reluctantly conceded to by the respondents' counsel.

In view of the above facts and circumstances, the petitions are dismissed along with pending applications however the eviction order may not be executed until next six months subject to payment of rent in advance. The utility bills shall also be paid to the concerned departments as and when become due and the copies of the paid bills shall be handed over to the respondent every month. The arrears of utilities, if any, shall be also paid within one month and copy thereof shall be provided to the respondent's counsel within two days after its payment. In case the petitioner fails to deposit the rent and pay the utility bills, and to provide copies as directed above, writ of possession shall be issued forthwith with police aid with permission to break open the lock.

Above are the reasons of my short order dated 19.12.2017.

Dated:

**Judge**