

**ORDER SHEET**

*IN THE HIGH COURT OF SINDH, KARACHI*

CP.No.S-963 of 2018.

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*Date*

*Order with signature of Judge*  
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1. For hearing of CMA No. 400 of 2018.
2. For hearing of main case.

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**23.05.2018**

Syed Muhammad Akbar, Advocate for petitioner.

Mr. Muhammad Riaz Abbasi, Advocate for Respondent  
No.1.

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Through instant petition, petitioner has challenged the order dated 23.10.2017 whereby eviction application was allowed. Record further reveals that petitioner was declared exparte on 24.05.2017, he preferred application for recalling of that order on 06.07.2017; written statement was appended on same date with that application; identification endorsement reflects that written statement was also preferred on 04.07.2017; petitioner failed to challenge that order whereby his application for setting aside of the order dated 24.05.2017 was dismissed even he failed to prefer any appeal against the order dated 23.10.2017 whereby eviction application was allowed. Accordingly, this is not a case of petitioner that he was not having knowledge about the pendency of the eviction application, hence, instant petition directly filed before this court is not maintainable. At this juncture, learned counsel for the petitioner has relied upon the case law reported as PLD 2004 Supreme Court 271 , PLD 2005 Karachi 416 and 1982 SCMR 269.

I have examined the cited case laws, same are on different footings, hence, instant petition devoid of merits is dismissed.

At this juncture, learned counsel for the petitioner contends that petitioner is ready to vacate the subject matter premises within one month from today.

Accordingly, with the consent of respondent No.1 one month's time is allowed from today subject to payment of rent in case of failure executing Court would be competent to evict the petitioner without issuing any notice even with the police aid.

JUDGE