

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

C.P No.S-42 of 2020

DATE ORDER WITH SIGNATURE OF JUDGE

1. For hearing of MA 249/2020

3. For hearing of main case

20.05.2022

Mr. Muhammad Jamil Ahmed advocate for petitioner.

Mr. Ghulam Murtaza Shaikh advocate for respondent No.1.

MUHAMMAD SHAFI SIDDIQUI, J. This rent case is arising out of the concurrent findings of two courts below. The rent application was filed by National Transmission and Dispatch Company (NTDC) as being landlord of some shops constructed on the plot which was prima facie leased out or allotted by the Sindh Industrial Trading Corporation for the construction of a Grid Station. Out of nowhere they have carved out the shops and started renting out to the tenants and accumulated rental income. The respondent No.1 is an official entity and they have not been able to demonstrate as to under what authority the land of the Grid Station is being misused by constructing shops and renting them out to different individuals.

Be that as it may, as being alleged landlord the application for the eviction of the petitioner was filed on the ground of default and personal requirement. On both the counts the application was allowed. In the application, the default with effect from October, November, December 2007 onwards was claimed. Petitioner's counsel, however, has not satisfactorily discharged if rent was ever paid. He is of the view that the rent was deposited in court with effect from December 2007 in the month of May 2008, however he admits that on the alleged refusal to receive the rent in the month of December, he deposited the rent in court in the month of May 2008 without sending it through money order to establish refusal.

Apparently, there is no evidence of the refusal. Even if the refusal is counted from 5th December, as admitted it should have been deposited within 60 days of its becoming due i.e. 60 days from 10th of January 2008. Notwithstanding that, the application u/s 10(3) was filed in the month of May and by that time the default has already been committed. Moreover, the refusal of the rent was not established. On this conclusion, learned counsel for the petitioner has made a request that if a reasonable time be given he would vacate the premises.

Accordingly, since the petitioner is in occupation for the last 15 years, I grant six months' time to the petitioner to vacate the premises subject to payment of rent of the premises on or before 5th of each calendar month. In case, the premises is not vacated by six months the writ of possession shall be issued without notice and police aid.

Petition stands disposed of in the above terms.

JUDGE