

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C.P. No.S-288 of 2022

Date	Order with Signature(s) of Judge(s)
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Hearing of case (Priority)

1. For hearing of C.M.A. No. 1917/2022.
2. For hearing of main case.

30.05.2022

 Mr. Malik Muhammad Ejaz, Advocate for petitioner.

Mr. Mian Mushtaq Ahmed, Advocate for respondent No. 1.

Respondent No.1 herein filed rent ejection application being Rent Case No.283 of 2020 against the petitioner, under section 15 of the Sindh Rented Premises Ordinance, 1979 ("**the Ordinance**"), on the ground of default in payment of monthly rent in respect of ground plus two storey building constructed on Plot No. 6/40, Surrey Sheet No. 35-P/1, measuring 2000 square yards, situated in Block No. 6, P.E.C.H.S., Karachi, (*demised premises*). The petitioner resisted said rent case by filing written statement. The respondent No. 1 also filed an application under section 16(1) of the Ordinance, which was allowed by the learned XI-Rent Controller, Karachi-East vide order, dated 09.03.2021, directing the petitioner to deposit rental arrears at the rate of Rs.4,34,110/- per month w.e.f. 16.09.2020 to 15.03.2021 within the period of 04 months from the date of said order with further direction to deposit future monthly rent at the same rate w.e.f. 10th April, 2021 till he is in possession; however, the said order was not complied with by the petitioner; hence, the respondent No. 1 filed an application under section 16(2) of the Ordinance, which was allowed by the learned Rent Controller vide order, dated 05.01.2022, by striking off petitioner's defence with direction to vacate the demised premises and handover its peaceful possession to respondent No.1 within 90 days from the date of the order. Against that, the petitioner preferred F.R.A. No.20 of 2022, which was also dismissed by the learned District Judge, Karachi-

East vide Judgment, dated 01.03.2022. It is against that judgment and order(s) that the petitioner has preferred instant Constitutional Petition.

2. At the very outset learned counsel for the petitioner failed to point out any infirmity or illegality in the impugned judgment/order(s) passed by the Courts below requiring any interference of this Court in its Constitutional jurisdiction.

3. It appears from the perusal of the record that the learned Rent Controller passed the tentative order, dated 09.03.2021, under section 16(1) of the Ordinance on showing the readiness by the counsel for the petitioner for depositing of arrears of rent and future monthly rent on providing some reasonable time, and the time so granted i.e. four-months was quite reasonable but the petitioner failed to comply with said order.

4. It may be observed that it is legal obligation of the tenant to comply with tentative rent order till decision of the main case. In case of non-compliance, the defence of the tenant is liable to be struck off *ipsi facto*.

5. For the foregoing facts and reasons, no defect or legal infirmity appears in the conclusions drawn in the impugned judgment and order(s) passed by the Courts below; hence, this Constitutional petition having no merit is dismissed alongwith listed application, with no order as to costs, with direction to petitioner to vacate the demised premises within 60 days hereof.

Athar Zai

JUDGE