

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP No.S-226 of 2020

Order with signature of Judge

Hearing / Priority Case

1. For orders on CMA No.543 of 2021
2. For orders on office objections
3. For hearing of CMA No.1068 of 2020
4. For hearing of main case

29.03.2021

Mr. Muhammad Atiq-ur- Rehman Advocate for the petitioner
Mr. Fateh Muhammad Advocate for the Respondent No.3

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The eviction application was allowed on the ground of personal requirement and default which order was maintained by the appellate court. Now this petition has been filed on the ground that the petitioner is in occupation of premises in part performance of sale agreement. When inquired as to whether any suit for specific performance was filed, counsel for the petitioner submitted that it was filed but the same has been dismissed for non-prosecution and is not restored till date. The petitioner thus did not have such defence before rent controller as far as alleged sale agreement is concerned. The petitioner has lost his right of defence as being in possession in part performance of the agreement of sale which is denied by respondent, hence, no question of any indulgence and interference is required. As far as contention of counsel is concerned that they are in occupation of some other tenement than the one disclosed in the eviction application, it shall be dealt with by the executing court in accordance with law.

In view of the above, instant petition stands dismissed a/w pending applications.

J U D G E