

ORDER SHEET

HIGH COURT OF SINDH AT KARACHI

C.P. No.S-1545 of 2016

Date

Order with signature of Judge

1. For orders on C.M.A No.8041/17 (U/A)
 2. For orders C.M.A. No.7610/2016 (Ex/A)
 3. For Hearing of Main Case.
- (The matter is already fixed on 28.09.2017 as per roster branch)

28.08.2017.

Mr. Ather Saleem, advocate for the petitioner.

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1. Urgency granted.
2. Exemption is granted subject to all just exceptions.
3. Counsel states that the petitioner is being harassed by the respondents No.1 to 4 in connivance with the official respondents No.6 and 7 and in this regard the petitioner has moved an application to the D.I.G. District East Karachi on 28.07.2017 but no action has been taken, therefore, the instant petition has been filed. Counsel states that he would be satisfied and would not press this petition if directions are issued to the concerned D.I.G to consider the said application and proceed as per law. Petition is disposed of as not pressed with directions to the concerned D.I.G to consider the application filed by the petitioner and to act as per law. Copy of this order be sent to the concerned D.I.G. for compliance.

JUDGE

ORDER SHEET

HIGH COURT OF SINDH AT KARACHI

C.P. No.S-1370 of 2017

Date	Order with signature of Judge
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For Hearing of Main Case.

28.08.2017.

Mr. Karamullah Khan, advocate for the petitioner.

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Counsel states that the petitioner is being harassed by the respondents No.4, 5 & 6 and in this regard the petitioner has moved an application dated 19.06.2017 to the SHO Awami Colony, Korangi Karachi but no action has been taken, therefore, the instant petition has been filed. Counsel states that he would be satisfied and would not press this petition if directions are issued to the concerned SHO to consider the said application and proceed as per law. Petition is disposed of as not pressed with directions to the concerned SHO to consider and decide the application filed by the petitioner in accordance with law and to provide her legal protection as per law.

JUDGE

ORDER SHEET

C.P.No.S-535 of 2017

Date _____

Order with signature of Judge

1. For orders on CMA No.4736/17 (U/A)
2. For Hearing of Main Case.

28.08.2017.

Mr. Hakim Ali Shaikh, Addl. A.G along with Addl. SHO M.K. Lodhi
P.S. Bahadurabad, SIP Bukhari, P.S. Sachal and DSP Tasarrat
Mehmood, Investigation-I, East Karachi.

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None present for the petitioner. Comments filed by the learned Addl. A.G. on behalf of PS Sachal, SHO Bahadurabad and DSP Investigation-I Karachi East are taken on record. Adjourned to a date in office. Police officials not to attend the Court until and unless required by this Court.

JUDGE

ORDER SHEET

HIGH COURT OF SINDH AT KARACHI

II A No.50 of 2013

Date Order with signature of Judge

28.08.2017.
None present.

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Since both the counsel representing the appellant have been elevated as Judges of this Court, let direct notice be issued to the appellant for the next date of hearing.

JUDGE

ORDER SHEET

HIGH COURT OF SINDH AT KARACHI

C.P. No.S-687 of 2017

Date Order with signature of Judge

1. For hearing of main case.

2. For Hearing of CMA No.3756/17 (Stay).

28.08.2017.

Mr. S. Ghulam Hussain, advocate for the petitioner.

Mr. Hakim Ali Shaikh, Addl. A.G. Sindh.

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Counsel states that the petitioner is being harassed by the respondents No.7 to 10 and in this regard the petitioner has moved an application dated 29.03.2017 to the SHO Police Station Mehmoodabad, Karachi but no action has been taken, therefore, the instant petition has been filed. Counsel states that he would be satisfied and would not press this petition if directions are issued to the concerned SHO to consider the said application and proceed as per law. Petition is disposed of along with the listed application as not pressed with directions to the concerned SHO to consider and decide the application filed by the petitioner as per law.

JUDGE

ORDER SHEET

HIGH COURT OF SINDH AT KARACHI

C.P. No.S-1806 of 2017

Date Order with signature of Judge

1. For orders on CMA No.8152/17

2. For orders on CMA No.8153/17 (Exemption)

3. For Hearing of Main Case.

28.08.2017.

Mr. Karamullah Khan, advocate for the petitioner.

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1. Urgency is granted.
2. Exemption is granted subject to all just exceptions.
3. Counsel states that the petitioner is being harassed by the respondent No.5 in connivance with respondent No.5-Police officials and in this regard the petitioner has moved an application dated 17.08.2017 to the SSP District Korangi, Karachi but no action has been taken, therefore, the instant petition has been filed. Counsel states that he would be satisfied if directions are issued to the concerned SSP to consider the said application and proceed as per law. Petition is disposed off with directions to the concerned SSP to consider and decide the application filed by the petitioner in accordance with law and to provide him legal protection as per law.

JUDGE

ORDER SHEET

HIGH COURT OF SINDH AT KARACHI

C.P.No.S-1801 of 2017

Date	Order with signature of Judge
1.	For orders on CMA No.8055/17 (U/A)
2.	For orders on CMA No.8056/17 (Ex/A)
3.	For Hearing of Main Case.
4.	For orders on CMA No.8057/2017

28.08.2017.
Syed Shahid Hussain, advocate for the petitioner.
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1. Urgency is granted.

2. Exemption is granted subject to all just exceptions.

3-4. It is stated by the learned counsel for the petitioner that the petitioner is a tenant of respondent No.1. The said respondent filed an application under section 16(1) of SRPO 1979 for depositing arrears of the rent before the Rent Controller(R.C) against the petitioner. The matter proceeded before the RC who vide order dated 19.10.2016 decided the said application in favour of the respondent by directing the petitioner to deposit the arrears of rent from October 2014 at the rate of Rs.2000 p.m. and future rent before the Nazir of the Court. It is the contention of the learned counsel for the petitioner that the said arrears of rent were timely deposited within two months stipulated time i.e. 08.12.2016 but the respondent on the ground that future rent was not paid, thereafter filed an application under Section 16(2) of SRPO before the R.C who vide order dated 21.3.2017, without considering that the arrears of rent have already been deposited within the stipulated time of two months struck of the defence of the petitioner on the ground that advance rent of November 2016 was not paid before the 10th of November 2016 as the same has been paid on 08.12.2016, hence the petitioner has committed a default in

payment of future rent in advance and the petitioner was directed to vacate the said premises within 60 days by regularly paying monthly rent and utility bills. It is against this order that the present petition has been filed.

Counsel for the petitioner submits that so far as arrears of rent are concerned it is evident from the record that the same have been deposited within two months' time allowed by the R.C. He further submits that the rent of November 2016 was paid on 08.12.2016 when it was due. As per the learned counsel that there is an agreement between the parties with regard to payment of monthly rent which has been complied with by the petitioner. He submits that this novation by the R.C with regard to advance rent before the 10 of month of the very month is extraneous from the facts obtaining on the record and same is not as per the provisions of SRPO. He states that the matter requires consideration, since in his view the orders passed by the R.C under Section 16(2) of the SRPO which was subsequently affirmed in FRA No.89 of 2017 impugned before this Court both are liable to be vacated/set aside. Let notice be issued to the respondent No.1 as well as A.G. Sindh for 25.9.2017. Till the next date of hearing parties are directed to maintain status quo subject to the condition that the petitioner would pay monthly rent and utility charges in accordance with law without fail.

JUDGE