

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
CP.No.S-215 of 2020

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Date	Order with signature(s) of Judge(s)
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For orders on CMA No. 1552 of 2020 (U/A).

**03<sup>rd</sup> March 2020**

Mr. H.A. Rehman, advocate for petitioner.  
Chaudhry Wasim Akhtar, advocate for respondent No.1.

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Instant petition is against the order passed by learned XIth Senior Civil Judge/Rent Controller, Karachi Central in Execution Application No. 58 of 2019. Admittedly, petitioner has failed in main proceedings though he challenged the same, hence, trial court was required to execute the decree and cannot go beyond the pleadings; plea of learned counsel for the petitioner that respondent was not alive at the time of eviction application, was not taken at earliest stage and in case petitioner feels that there is fraud, he would be at liberty to file application under Order 12 (2) CPC, however, he cannot thwart the execution proceedings.

At this juncture, learned counsel for the petitioner is ready to evict the premises and seeks sufficient time. Accordingly, two months' time is granted to evict the premises subject to payment of any arrear or future rent.

Petition stands disposed of in the above terms alongwith listed applications.

J U D G E

Sajid