

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
CP.No.S-1062 of 2019

Date

Order with signature of Judge

1. For hearing of CMA No. 4979 of 2019.
2. For hearing of main case.

27th October 2020.

Mr. Muhammad Kamran Mirza, advocate for petitioner.
Mr. Ahmed Bux Soomro, advocate for respondent No.1.

Heard learned counsel for the respective parties.

It would be conducive to reproduce paragraph No.3 of the impugned order, which is that:

“3. Heard both parties at suitable length and perused the record, it appears that as per record it is admitted position that the opponents are tenant in the premises which was let out to the late father of opponent and since then they are in possession of said premises. As far as contention of advocate for opponent regarding number of shop is concerned, it is observed that as per conveyance deed no number is allocated to the any portion of building where the premises are situated. It is also matter of record that the instant rent matter is pertaining to the eviction of tenant, accordingly the rent application is filed against the tenant by name. It is further observed that the present matter is not pertaining to the restoration of possession where the specific identification of property is required, consequently in these circumstances there is no need for inspection of premises, hence the application moved by opponent is hereby dismissed.”

Petitioner is admittedly a tenant, who seeks inspection of shop /premises of Fayz-e-Husayni Trust, whereas respondent is claiming ownership by registered sale deed. Needless to mention that relationship between the landlord and tenant is to be decided by the trial Court and site inspection would not serve any purpose. Accordingly, impugned order warrants no interference; hence the petition is dismissed.

JUDGE