

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP.No.S-720 of 2020

Date _____ Order with signature of Judge _____

1. For orders on CMA No. 3744 of 2020.
2. For hearing of main case.

26th November 2020

Mr. Muhammad Rafi Kambo, advocate for petitioner.
Mr. Imdad Khan, advocate for respondents No. 1 and 2.

Heard learned counsel for the respective parties.

Admittedly, Trial Court decided application under Section 16 (1) SRPO in favour of landlady on the plea that petitioner being tenant was required to pay utility bills, whereas, petitioner has placed paid electricity bill, which is in dispute and contends that the claim of the landlady with regard to electricity meter containing consumer No. LA876448 available at page 183 of the file, is not pertaining to the subject flat. Respondent's counsel admits that respondent (landlady) is co-owner of subject flat as well as building and there are many meters installed in the same building. Under these circumstances, application preferred by the tenant with regard to inspection was in accordance with law, hence, one cannot be evicted from the premises on technicalities and question with regard to payment of bill can be decided by carrying out an inspection. Accordingly, impugned orders are set aside. Trial Court is hereby directed to conduct site inspection and decide the issue with regard to utility bills. After inspection, if it comes on record that petitioner is defaulter of electricity bill of the subject flat, trial Court would decide the application under Section 16(1), while deeming it as pending. This exercise shall be completed within 15 days.

SAJID

J U D G E