

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP.No.S-55 of 2020
CP.No.S-56 of 2020
CP.No.S-57 of 2020

Date	Order with signature(s) of Judge(s)
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09th December 2020

Mr. Adnan Ahmed, advocate for petitioners.
Mr. Tauqeer Randhawa, advocate for respondent No.1.

Through this common order, I intend to dispose of above captioned petitions, which are bound by the same thread.

2. Eviction application was preferred on the plea that earlier litigation was on the issue of fair rent, which was increased, and against that litigation, appeal was preferred which was ended upto Hon'ble Supreme Court and has attained finality. Subsequently, landlord filed eviction applications on the plea that tenants (petitioners) have failed to pay the rent as decided by the Courts earlier; during pendency of eviction applications, petitioners filed application under section VII Rule 11 CPC on the plea that power of attorney was not in accordance with law, which application was dismissed; however, that order was challenged in FRA but the same was also dismissed. Thereafter, landlord filed application under Section 16(1) of SRPO that was allowed with direction to pay the arrears. However, the tenants have challenged that order in captioned petitions.

3. Heard and perused the record

4. Mainly ground taken by the tenants is that power of attorney was not properly executed and therefore, eviction application was not maintainable, that ground was considered while deciding application under Order VII Rule 11 CPC, thereafter, tenants failed to challenge the same, hence, same objection while deciding an application under Section 16 (1) of SRPO was not available with the tenants, thus trial court rightly allowed application under section 16(1) of SRPO 1979 as well as appellate court in FRA rightly decided the issue. The tenants cannot take excuse of not depositing the arrears on the plea that power of attorney was not in accordance with law, hence, captioned petitions are dismissed alongwith pending application(s).

J U D G E