

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.Ps No.S-07, 08, 09 and 10 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on office objection
For hearing of stay application.
For hearing of main case

23.10.2023

Mr. Arbab Ali Jhinjh Advocate holds brief for Mr. Santosh Kumar advocate for petitioner and requests for adjournment.

These petitions are pending since 2022 without any progress. It is noted that on multiple occasions either the petitioner's counsel remained absent or adjournment was sought. On 06.02.2023, this Court was pleased to observe as follows:

"The tentative rent order passed by the Rent Controller under Section 16(1) of the Sindh Rented Premises Ordinance, 1979, was not complied with by the petitioner in all these petitions, whereafter an application under Section 16(2) of the said ordinance was filed by respondent No.1 which was allowed by the Rent Controller by striking off the defense of the petitioner and directing him to vacate the demised premises. The order passed by the Rent Controller was challenged by the petitioner before the appellate Court, however, his appeals were dismissed. These petitions have been filed by him against the concurrent findings of the learned courts below. Counsel for the petitioner states that the impugned orders are not sustainable as the relationship of landlord and tenant was denied by the petitioner and as such the Rent Controller was required to frame an issue on this point and ought to have allowed the parties to lead evidence. It is an admitted position that the order passed under Section 16(1) was not complied with by the petitioner. Regarding the contention that the relationship of landlord and tenant was disputed by him, it is well-settled that the rights and obligations of the parties are to govern under the rent laws until a decree is passed in favour of the person / tenant disputing the relationship of landlord and tenant. Petitioner and his counsel are put on notice to satisfy the Court on the next date of hearing regarding the maintainability of these petitions in view of the above."

These objections remain unaddressed and today, despite intimation notice having been issued, once again brief is being held for petitioners' counsel and adjournment sought on the same pretext as on the last date of hearing. In view hereof these petitions are dismissed for non-prosecution; along with all pending application(s). Office to place a copy hereof in each connected petitions.

JUDGE