

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI  
F.R.A No.18 of 2021

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Date	Order with signature of Judge
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- 1.For order on office objection
- 2.For hearing of CMA No.2014/2021
- 3.For hearing of main case

23.01.2024

M/s. Ghulam Abbas Pishori & Burhanuddin Pishori, Advocates for appellant.

Mr. Muhammad Safdar Khokhar, Advocate for respondent No.1.

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This appeal challenges order impugned 16.03.2021 where defence of the appellant was struck off as allegedly she did not comply with the tentative rent order where she was directed to pay rent on or before 5<sup>th</sup> day of each month. The dispute and question is pertaining to the rent for the month of April, 2020 which was deposited on 21.04.2020 with delay of 16 days.

Learned counsel for the appellant pointed out that such delay as indicated in the impugned order was on account of COVID that erupted in those days as it was impossible for the appellant to make payment for that particular month, however, thereafter payments have been regularly made.

Learned counsel for the respondent on the contrary states that law does not provide for any extension and, there is no illegality in the impugned order.

Heard learned counsel for the parties and perused the record. It appears that there is only a delay of 16 days for the payment of

rent for the month of April, 2020 in which period definitely COVID was on the bloom and infact certain guidelines were issued in this regard in shape of the Sindh Covid-19 Emergency Relief Act, 2020 and since it was the only instance, I do not see merit in the impugned order which is hereby set aside and appellant is allowed to put up his defence in respect of the proceedings and let the matter be decided after hearing both the parties and adducing evidence strictly in accordance with law within 60 days.

JUDGE

Aadil Arab