

JUDGMENT SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.S-1038 of 2023

Maqbool Yar Khan Petitioner

Vs.

The Honourable IV-Additional District Judge, Karachi Central
& others. Respondents

Mr. Abdul Khursheed Khan, advocate for petitioner
Mr. Tahir Raheem, advocate for respondent No.6 a/w respondent
No.6(a)

05.08.2024.

ORDER

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MUHAMMAD IQBAL KALHORO J: I have heard the parties at length. This case has got a chequered history. Initially a rent application was filed which was allowed and possession was handed over to landlord Akram Ali Khan, the applicant, who was a real uncle of respondent No.6. Claim of the petitioner is that after the premises was handed over to late Akram Ali Khan, he had purchased the same from him and was handed over possession thereof. However, subsequently an application u/s 12(2) CPC was filed by respondent No.6, that as per claim of respondent, was allowed but as per claim of the petitioner was dismissed. However, instead of challenging that order, the petitioner filed his own application u/s 12(2) CPC, which was dismissed. He challenged it before the next forum but unsuccessfully. All these adverse orders have been challenged in this petition. Meanwhile, a civil suit No.1894/2017 has also been filed by the petitioner, as plaintiff, against respondent No.6 & others for specific performance of contract in respect of the same property. In that suit, as per counsel for petitioner, already an interim order has been passed in favour of plaintiff against his dispossession from the premises.

3. Learned counsel for respondent No.6 and respondent No.6(a) present in court submit that they do not have any intention to dispossess the petitioner from the premises without due course of law. Since, the civil suit is already pending with all the relevant questions raised in this petition that are rooted in factual controversy, only the civil court can determine the same. The parties have agreed to disposal of this petition in the light of statement of learned

counsel for respondent No.6 that petitioner would not be dispossessed from the subject premises without due course of law.

Accordingly, this petition stands disposed of in the above terms alongwith pending applications.

Judge

A.K.