

**HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

C.P No. S- 49 of 2023

[Muhammad Javed v. Kaimkhani Education Trust and another]

Petitioner : Muhammad Javed through Mr. Sundardas
advocate

Respondent : Kaimkhani Education Trust and another
through Mr. Muhammad Kaleemullah
advocate

Date of hearing
& Order : 22.04.2024

ORDER

YOUSUF ALI SAYEED, J. The Petitioner seeks to impugn an Order made on 12.10.2022 by the learned Rent Controller, Cantt Area, Hyderabad in Rent Appeal No. 02 of 2022 (Re. Kaimkhani Education Trust v. Mr. Muhammad Hanif), whereby the opponent was tentatively directed to deposit future monthly rent in respect of Shop No. 10 Kaimkhani Shopping Centre, Makki Shah Road, Hyderabad, at the rate of Rs.10,000/- per month from March 2022 before 17.10.2022 and future monthly rent on or before the 5th day of every calendar month.

2. As is apparent, the impugned Order has been made under S.17(8) of the Cantonment Rent Restriction Act, 1963, and is interlocutory in nature, with the matter remaining pending for final determination before the concerned forum.

3. It is well settled that when the Statute does not provide a right of appeal against certain orders, the same cannot be challenged through

the Constitutional jurisdiction of High Court, as that would be tantamount to negating the provisions of Statute itself and rendering the bar imposed by the legislature in the interest of expeditious disposal of rent matters redundant. Even otherwise, the present Petitioner is not the opponent in the underlying case, yet has come forward in his name albeit purporting to represent the interests of the legal heirs of the opponent, but without any document conferring formal authorisation having been placed on record.

4. Under the given circumstances, the Petition is found to be misconceived, and stands dismissed accordingly along with the pending miscellaneous applications.

JUDGE