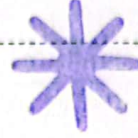


ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

FRA No. 28 of 2015.

Date Order with signature of Judge



For hearing of main case.

16.01.2019

Mr. Mohammad Aurangzeb, advocate for appellant.
Mr. Zafar Iqbal, advocate for respondent No.1.

At the outset, learned counsel for the appellant contends that learned trial judge dismissed the rent application on the plea that a civil suit is pending wherein respondent has claimed that he is co-sharer. Accordingly, question of landlord and tenant cannot be decided.

Perusal of impugned order reveals that learned trial judge has failed to examine / refer any document claiming by the respective parties, according to appellant he has purchased the property through sale agreement and mutation in his favour, ⁶duly recorded, whereas respondent is claiming that instant property was leased in favour of grandfather of the parties and such lease deed is available at page 59 with objections. Accordingly, it would be in the interest of justice to set aside the impugned judgment and remand the case back to hear the parties, examine the documents available with them as well relevant law and decide the case afresh whether there had been relation of landlord and tenant between the parties.


JUDGE

Sajid