ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI F.R.A. No. 08 of 2013.



Date

Order with signature of Judge

- 1. For orders on CMA No. 4738 of 2013.
- 2. For hearing of CMA No. 1986 of 2017.
- 3. For hearing of CMA No. 4739 of 2013.
- 4. For hearing of main case.

18.9.2018

Mr. Muhammad Yasin Azad, Advocate for appellant.

Mr. Abdul Ahad, Advocate for respondent.

Salahuddin Panhwar-J- Through instant First Rent Appeal, the appellant has assailed the order dated 04.07.2013 passed by the Additional Controller of Rents, Cantonment Board, Clifton in R.C. No.37 of 2012 whereby the eviction application filed by the respondent was allowed.

- 2. Perusal of such order reflects that parties were not heard before passing that order; diary of rent case dated 04.07.2012 confirm such fact. Though it is contended by the respondent that appellant failed to appear on many hearing before the trial Court, however, it was not disputed that the impugned order is without hearing. Since right of meaningful hearing is mandatory and lust of fair trial, as guaranteed by Article 10-A of the Constitution, shall never find satisfaction if one is not provided opportunity of meaningful hearing. The Courts must maintain the record (diaries) thereby mentioning the conduct of counsels / parties, if right of meaningful hearing, is being exploited which however is lacking in instant case. Thus, judicial propriety demands to set aside the same.
- 3. At this juncture, learned counsel for the appellant contends that earlier order with regard to relations between the tenant and landlord is silent although agitated by the appellant, therefore, appellant shall be allowed to place his all

submissions; hence learned Rent Controller while hearing the application of eviction filed by the respondent shall address all the plea(s) raised by the respective parties. Accordingly, impugned order is set aside; case is remanded back with direction to the trial Court to hear the parties and decide the same within one month after receipt of R & P. While parting it is added that none of the parties shall exploit the principle of 'meaningful hearing' rather the Court shall be competent to proceed in accordance with principle, enunciated in case of Engineers Study Form (Registered) & another v. Federation of Pakistan & Ors 2016 SCMR 1961.

JUDGE