ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP.No.S-2691 of 2017.

Date Order with signature of Judge

For hearing of main case.

22nd September 2023

Mr. Iftikhar Javed Qazi, advocate for petitioner.

None present for the respondent No.2. Similar position was on last so many hearings.

At the outset, learned counsel for the petitioner contends that this is a fit case to remand back, as the appellate Court has traveled beyond its jurisdiction by referring that a co-owner cannot file eviction application when, admittedly, trial Court decided the eviction application in favor of the landlord. He has relied upon case law reported as **1991 CLC 933 and 2001 MLD 21**. Besides, it is pertinent to mention that repeated notices were issued to respondent No. 2, but he failed to proceed with the matter, even though he has engaged Mr. S. Chohan, advocate. Accordingly, the impugned judgment passed by the Appellate Court is set aside, and the case is remanded back to the appellate Court for deciding the matter afresh after providing an opportunity of hearing to the parties.

Instant petition stands disposed of in the above terms.

.J U D G E

SAJID