

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
R.A. No.26 of 2018

Sarfraz
Versus
Syed Masroor Ahmed & another

Date: Order with signature of Judge

1. For orders on CMA 1514/18
2. For orders on CMA 1515/18
3. For hearing of main case.
4. For orders on CMA 1516/18

Dated: 19.02.2018

Mr. Nadir Ali Khan for applicant.

Counsel for the applicant submits that although applicant has moved an application under order 21 rule 58 CPC for determination of his claim however he concedes that he is only claiming tenancy rights through attorney of the owner. It appears that the property is being attached in pursuance of a suit for recovery filed by respondent No.1 and since it is likely to be attached the applicant has come forward by moving an application in terms of order 21 rule 58 CPC. When enquired whether the scope of order 21 rule 58 CPC could be stretched down to the determination of claim of tenancy, the counsel, on instructions, has requested that applicant may be given some time to vacate the subject premises before it could be attached. This appears to be a genuine and bona fide request. Let the process of attachment in case it is in process may continue and an appropriate order may be passed by the executing Court however in case the applicant is occupying the premises as being tenant he may not be dispossessed until period of two months expires from today.

Revision application stands disposed of along with listed application in the above terms.

Judge