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ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. S-137 of 2018

Date: Order with signature of Judge

1. For hearing of main case
 2. For hearing of CMA No.409/18
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13.2.2018

Mr. Iftikhar Javed Qazi for petitioner
Mr. Sattar Muhammad Awan for respondent
.x.x.x.x.

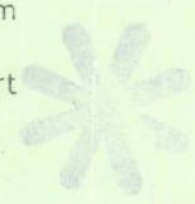
Mr. Iftikahr Javed Qazi learned Counsel for the petitioner has argued at length and has gone through evidence of the parties. He submits that the case of impairment on account of alleged modification and construction has not been made out. He has relied on the case of *Younus & others vs. S. Aziz Ahmed* reported in 1993 CLC 2380.

As far as the personal requirement is concerned, learned Counsel for the petitioner has urged that the Power of Attorney on the basis of which ejectment application was filed demonstrates that the Attorney was appointed not only for instituting the rent case but also for selling and disposing of the property hence personal requirement is shattered.

I have heard the learned Counsel and have gone through the evidence. No doubt Power of Attorney includes a clause enabling the Attorney to dispose of the property but no question or suggestion was made by him in cross examination and hence statement of the landlord/applicant is consistent with the affidavit-in-evidence and cross examination as such the ejectment order on the ground of personal requirement requires no interference.

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Insofar as the impairment of value and utility is concerned, the issue was framed by the Rent Controller as to whether any alteration was made in the demised premises. This issue was not enough since such alteration has not established material impairment in its value and utility as has not been born out from the evidence and the pleadings, as such the findings of trial Court as well as the appellate Court on this issue is reversed.



Consequently the petitioner is given ten months' time to vacate the premises in question i.e. 31.12.2018 subject to payment of rent in advance and payment of all utilities as and when bills were issued by the concerned departments. In case the amount of rent in advance or utility bills are not cleared, writ of possession shall be issued with police aid with permission to break open the lock.

The petition stands disposed of along with pending applications in the above terms.

Judge