

IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No.S-762 of 2018

Muhammad Arif.....Petitioner

VERSUS

Mrs. Shama Liaquat & others.....Respondents

ORDER

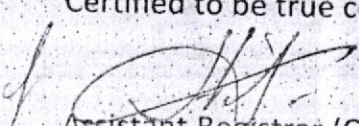
05.4.2018

Mr. Muhammad Amin for petitioner

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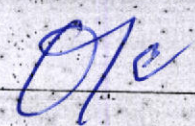
1. Urgency application granted.
2. Exemption application granted subject to all just legal exceptions.
- 3 & 4: Petitioners claims that there is no relationship of landlord and tenant between the petitioners and respondent. It is claimed that they have entered into agreement of sale with the previous owner and suit for specific performance is pending adjudication. It is during pendency of the suit for specific performance that a new owner filed an eviction application on the strength of a subsequent title which they have acquired from the attorney of previous owner. The petitioners may agitate their grievance as to their interest in the property in a suit for specific performance, however such question cannot be adjudicated in these proceedings nor could any injunctive order be passed whereby the judicial proceedings under section 56 of the Specific Relief Act could be stayed. Learned Counsel has relied upon the judgment of Division Bench of Peshawar High Court alleging that this Court has a jurisdiction to stay the proceedings arising out of an eviction application. I am afraid that the referred judgment is not applicable to the present proceedings. The petitioners may, however, exercise their right insofar as the suit for specific performance is concerned and unless the suits are decreed, the status of petitioners shall remain as of a tenant. The service of notice of eviction application on the petitioners is sufficient for them to have responded. Apart from this ground, no ground on merit is raised. No case of interference as to the concurrent findings of two Courts below is made out hence the petitions are dismissed along with pending applications.

Certified to be true copy,


Assistant Registrar (Civil/Writ SB)

Sd/- MUHAMMAD SHAFI SIDDIQUI

JUDGE:





Certified to be true copy,

Sd/- MUHAMMAD SHAFI SIDDIQUI
JUDGE.

Assistant Registrar (Civil/Writ SB)

Constitutional Petition No.S-762 of 2018

Karachi, dated: 10th April 2018.

Forwarded for information and compliance to:

1. The District Judge, Karachi (South) in F.R.A. No.111/2018, Reg: Muhammad Arif Versus Mrs. Shama Liaquat & others.
2. The XIth Rent Controller, Karachi (South) in Rent Case No.614/2016, Reg: Mrs. Shama Liaquat & others Versus Abdul Majeed.



(Abdul Rasheed Baloch)
Assistant Registrar (Civil / Writ SB)

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