

ORDER SHEET
THE HIGH COURT OF SINDH, AT KARACHI

C.P. No. 5-251 of 2021

Syed Razi Ahmed
Versus
Misbahul Haq & others



Date Order with signature(s) of Judge(s)

1. For orders on CMA 1671/21
2. For orders on CMA 1672/21
3. For hearing of main case
4. For orders on CMA 1673/21

Dated: 30.03.2021

Mr. Sh. Muhammad Wasim for petitioner.

Heard the learned counsel.

An interlocutory order is assailed by petitioner's counsel in this petition under Article 199 of Constitution of Islamic Republic of Pakistan, 1973. The special law does not provide remedy of appeal against an interlocutory order in terms of Section 21 of Sindh Rented Premises Ordinance, 1979. By the impugned order passed by Rent Controller while considering application under section 19 of Sindh Rented Premises Ordinance, 1979 the witnesses were recalled by adhering to the provisions of Civil Procedure Code.

Without commenting on merits of the case, as it might prejudice case of either party in case any of them chooses to challenge the impugned order subsequently along with final order, I am of the view that such interlocutory orders cannot be challenged under special law of Sindh Rented Premises Ordinance, 1979. In all fairness in order to foster justice, the application was considered as the controversy was found by the Rent Controller to be such that requires recording of additional evidence on any of the counts. There are no jurisdictional errors cited by petitioner's counsel, however, such interlocutory orders if allowed to be challenged in this way, there will be no end to these short cause proceedings under special law of Sindh Rented Premises Ordinance, 1979. Furthermore, I am of the view that no prejudice shall be caused in case proceedings continue in terms of the order impugned however it may be observed that the proceedings be concluded expeditiously without any inordinate delay.

In view of above, petition being misconceived as against an interlocutory order is dismissed along with listed applications.


JUDGE