

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

C.P. No. S-1278 of 2024

Date

Order with Signature(s) of Judge(s)

HEARING/PRIORITY.

1. For orders on office objection as at A.
2. For orders on CMA No. 365 of 2025
3. For hearing of CMA No. 9708 of 2024
4. For hearing of Main Case.

22.04.2025

Mr. Ali Asghar Buriro, Advocate for the Petitioner.

Mr. Zahiruddin, Advocate for the Respondent.

JUDGMENT

1. Through the instant Petition, learned counsel for the Petitioner has impugned Judgment dated 05.10.2024 passed in FRA No.189 of 2024. Brief facts of the case are as under: -
2. The Respondent No.1 preferred Rent Application No.448 of 2023 under Section-14 of the Sindh Rented Premised Ordinance, 1973 [**“SRPO”**]. The said application was allowed vide Order dated 14.05.2024. Thereafter, the above-mentioned FRA bearing No.189 of 2024 was filed and the same was dismissed vide Order dated 05.10.2024. The learned counsel for the Petitioner has stated that no ground under Section 14 of the SRPO has been made out

by the Respondent. He has further argued that the learned Rent Controller has relied upon considerations which are applicable otherwise in Section 15 and has erred in allowing the Rent Application. He has most specifically referred to Paras 5 and 14 of the Order passed by the learned Rent Controller. In that regard he has submitted that the learned Rent Controller has incorrectly applied certain Notifications. Thereafter, he has stated that no case has been made out under Section-14 as the Petitioner has admittedly not committed any default.

3. Learned counsel for the Respondent has stated that the Respondent has attained the age of 60 and, therefore, he is entitled for peaceful and vacant possession of the tenement in-question. He has further stated that the scheme under Section 14 is specific and no detailed evidence needs to be advanced under the said provision.

4. I have heard the learned counsel and perused the record.

5. It is admitted between the parties that the Applicant/ Respondent No.1 has attained the age of 60 and, therefore, he is entitled for the concession under Section 14 of the SRPO. The ground taken by the learned counsel for the Petitioner that he has not defaulted is irrelevant under the scheme of the above-noted provision. The same is reproduced below:

“14.(1) Notwithstanding anything contained in this Ordinance or any other law for the time being in force, the landlord of a building who is a widow, or a minor whose both parents are dead or a salaried employee due to retire within the next six months or has retired or a person who is due to attain the age of sixty years within the next six months or has attained the age of sixty years, may, by notice in writing, inform the tenant that he or she needs the building for personal use and require him to deliver vacant possession of the building within such time as may be specified in the notice, not being earlier than two months from the receipt thereof: Delivery of vacant possession. 1[“Provided that nothing in this sub-section shall apply where the landlord has rented out the building after he has retired or attained the age of sixty years or, as the case may be, has become widow or orphan”.

(2) The landlord shall not be entitled to avail the benefit of sub-section (1) if he is in occupation of a building owned by him in any locality.

(3) Where the tenant has failed to deliver the possession of the building under sub-section (1), the Controller shall, on application by the landlord in this behalf, order eviction of the tenant from the building in a summary manner, by using such force as may be necessary.”

6. The only relevant consideration under Section 14 on the basis of which possession of the tenement can be denied to the landlord, is if the landlord is in occupation of another building. I have also examined and perused the cross-examination of the Respondent No.1/Applicant. The learned counsel for the Petitioner has not posed a single question regarding the ground mentioned above. Further, it did not help the case of the Petitioner that he himself did not step into the witness box and was subsequently de-barred. In light of what has been held above the Impugned Order requires no interference. Therefore, instant Petition is *dismissed* with no order as to cost.

JUDGE

Jamil