

IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-90 of 2021
NADRA –v- Tayyaba Naveed & Ors.

Date	Order with signature(s) of Judge(s)
Hg: / Priority.	

- 1. For orders on office objections.
- 2. For hearing of Misc. No.4270/2024
- 3. For hearing of Misc. No.656/2021
- 4. For hearing of main case.

02.12.2025.
Chaudhary Muhammad Farooq, Advocate for the Petitioner.
Syed Shafqat Ali Shah Masoomi and Malik Naeem Iqbal, Advocates for Respondents.
Mr. Ali Zardari, Assistant Advocate General Sindh.

ORDER

Nisar Ahmed Bhanbhro, J. Through this petition, petitioner has challenged the order dated 23.12.2020 passed by the XIIth Rent Controller (East) Karachi in Rent Case No.151 of 2020 (re: Mst. Tayyaba Naveed v. Federation of Pakistan & Ors.) whereby an application under Section 16(1) of Sind Rented Premises Ordinance, 1979 filed by Mst. Tayyaba Naveed (respondent herein) was granted and the petitioner was directed to deposit the arrears of rent as alleged by the applicant / respondent No.1.

2. Ch. Muhammad Farooq, learned counsel for the petitioner contends that relationship of the petitioner with the respondent is disputed and unless the said relationship is established through evidence in the rent case the petitioner cannot pay the arrears of rent as the petitioner was the tenant of landlady, who has passed away and there is dispute between the parties over the legal heirship and such litigations were pending adjudication before the different forums. He prayed to allow this petition.

3. Syed Shafqat Ali Shah Masoomi and Malik Naeem Iqbal, learned counsel for respondent No.1 Mst. Tayyaba Naveed, contended that the application is not maintainable under Section 16(1) of the SRPO, 1979, as the impugned order is an interim order which cannot be challenged in the writ jurisdiction of this Court They argued that right of appeal has been provided under the law. As such this petition is liable to be dismissed on that ground alone. He placed reliance upon 2024 MLD 635 (re: Imran Khalid versus Mst. Munazza Rizvi and 2024 CLC 114 (re: Reham Dad v. Province of Punjab).

3. Heard arguments, perused the material available on record.

4. Admittedly, the petitioner is a tenant in possession of the tenement premises owned by the landlord, Shaikh Farooq Abdullah. Mst. Tayyaba Naveed, the applicant in the rent case claims that she is the daughter of Shaikh Farooq Abdullah, which fact has been disputed by NADRA (tenement in the rent case) claiming that she is not the daughter of the said landlord. To rebut this denial, the applicant, Tayyaba Naveed (respondent herein), has placed on record the death registration certificate of Shaikh Farooq Abdullah issued by NADRA, in which she is shown as the informant. She has also placed on record the form submitted by Shaikh Farooq Abdullah, wherein the names of his children, including Tayyaba Naveed, are written and she is mentioned as his daughter. Even otherwise, under the tenancy laws, such a dispute cannot be raised by the tenant and cannot be adjudicated by the Rent Controller in rent proceedings. The learned trial court, through the impugned order, observed that if the tenant desires to deposit rent through the MRC already filed before the court, the question of rent arrears shall be decided in the final verdict. Since the petitioner, according to his own claim, has already deposited the arrears of rent through the MRC, the very purpose of filing this petition already stands served. It is for the Rent Controller to determine whether the entire amount of arrears has in fact been deposited through the MRC or not. If the petitioner has failed to deposit the full amount of arrears needless to mention that action under Section 16(2) of the SRPO, 1979 shall follow.

5. This petition having become infructuous is, therefore, disposed of alongwith all pending applications.

JUDGE