

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. S-121 of 2026
(Moinuddin versus Mst. Gulnar Liaquat & another)

Constitutional Petition No. S-122 of 2026

(Abdul Wahid versus Mst. Gulndr Liaquat & another)

Constitutional Petition No. S-123 of 2026

(Zulfiqar ali versus Gulnar Liaquat & another)

Constitutional Petition No. S-124 of 2026

(Zulfiqar Ali versus Gulnar Liaquat & another)

Constitutional Petition No. S-125 of 2026

(Muhammad Akram versus Gulnar Liaquat & another)

Before:-

Mr. Justice Adnan-ul-Karim Memon
Mr. Zulfiqar Ali Sangi

Date of hearing and order:-06.02.2026

Mr. Atta Muhammad Khan advocate for the petitioners in all petitions.

ORDER

Adnan-ul-Karim Memon, J.- - Petitioners above named have filed the captioned petitions under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer:

- a. To suspend the operation of the order dated 09.1.2026 and dismiss the rent application of the respondent No.1.*
- b. To direct the respondent No.2 not proceed with the matter till final decision of this petition.*

2. The petitioners, being aggrieved and dissatisfied with the order dated 09.01.2026 passed by the learned VIII-Rent Controller Karachi Central whereby the petitioners' applications for dismissal of the rent case were rejected, and the petitioners were directed to file an affidavit-in-evidence, have impugned the said order as being illegal, unlawful, and contrary to facts and law.

3. It appears from the record that, the respondent No.1 filed an ejectment application under Sections 15 and 16(1) of the Sindh Rented Premises Ordinance, 1979, claiming herself to be the lawful owner of Shop No. 03 (CP No. S 121/2026), Shop No. 01 (CP No.S-122/2026), Shop No.04 (CP No. S-12/2026), Shop N0.05 (CP No. 5-124/2026) and Shop No.02 (CP No. S-

125/2026), plot No.4/4-B, Liaquatabad, Karachi, and alleging that the petitioners were her tenant at a monthly rent of Rs.1,700 and had committed default in payment of rent. She further claimed a personal bona fide requirement of the premises. However, the petitioner categorically denied the relationship of landlord and tenant and asserted that on 30.10.2023, they purchased the said premises from respondent No.1 through a Sale Agreement for a consideration of Rs.1,500,000/-, pursuant to which peaceful vacant possession was handed over to them. Since then, the petitioners have been in lawful possession of the premises as owners and not as tenants. It is further claimed that during evidence, the respondent No. 1 admitted that the premises were under sale and that she had dealings through a builder, and also failed to produce any tenancy agreement. Despite the clear dispute regarding ownership and the denial of tenancy, the learned Rent Controller dismissed the petitioner's applications to reject the rent case and proceeded further, which is contrary to settled law.

4. Learned counsel for the petitioners argued that it is well-established that once ownership of the premises is disputed, the Rent controller lacks jurisdiction and the matter falls within the exclusive domain of the Civil Court. The impugned order suffers from non-reading and misreading of evidence, ignores admissions made by respondent No.1, and reflects non-application of judicial mind, resulting in a miscarriage of justice. He prayed to allow these petitions.

5. I have heard the learned counsel for the petitioners on the maintainability of the petitions and perused the record with his assistance.

6. The learned Rent Controller disposed of the petitioners, application seeking rejection of the rent application, wherein they contended that the rent case was frivolous, that no landlord tenant relationship existed, and that ownership of the demised premises was disputed, thereby ousting the jurisdiction of Rent Controller. The petitioners claimed ownership on the basis of a Sale Agreements and asserted that no tenancy agreement was ever executed, a fact allegedly admitted by the applicant in cross-examination. The respondent resisted the application, asserting that the opponents were an admitted tenant and defaulter in payment of rent, and that the question of landlord/tenant relationship and ownership could only be determined after recording evidence. It was contended that the petitioner's application was premature, misconceived, and contrary to settled principles of law. After

hearing both sides and perusing the record, the learned Rent Controller observed that the opponent had taken the same stance in the written statement, on the basis of which issues were already framed, including the issue regarding existence of landlord/tenant relationship. The petitioners had already led evidence and the case was at the stage of respondent's evidence. It was held that disputes relating to ownership and tenancy could only be resolved after recording evidence of both parties. The learned Rent Controller further held that once a rent application was admitted, it cannot be dismissed at an interlocutory stage and must be decided on merits after recording evidence, relying upon the judgments reported as *Mirza Hafeez Ahmed v Dad Muhammad* (1984 CLC 3207) and *Javed Mubarak v Shamsuddin* (1984 CLC 3252). Consequently, the applications for rejection of the rent applications were held to be misconceived and were dismissed.

7. The core controversy between the parties revolves around the existence of a landlord/tenant relationship and the ownership of the demised premises. The petitioners have consistently denied tenancy and have asserted ownership on the basis of a Sale Agreement, whereas the respondent claims ejection on the grounds of default and personal bona fide requirement. It is settled law that a mere denial of tenancy or assertion of ownership by a respondent does not, by itself, divest the Rent Controller of jurisdiction. Where a landlord asserts tenancy and the occupant denied it, the Rent Controller is competent to frame an issue regarding the existence of the landlord/tenant relationship and decide the same after recording evidence. It is well settled that once a rent application is admitted, the Rent Controller has no authority to dismiss it at an interlocutory stage and is bound to decide the matter on merits after recording evidence.

8. In the present case, the petitioners had already taken the same plea in their written statement, on the basis of which issues were framed, including the issue relating to the existence of landlord-tenant relationship the applicant had already led evidence, and the matter was at the stage of the petitioners' evidence. At this stage, the learned Rent Controller rightly held that the dispute regarding ownership and tenancy could only be adjudicated after recording evidence of both parties.

9. The reliance placed by the petitioners on the proposition that a dispute of ownership ousts the jurisdiction of the Rent Controller is misplaced. Jurisdiction is ousted only where the relationship of landlord and tenant is

demonstrably absent on admitted facts. Where such relationship is disputed and requires evidence, the Rent Controller remains competent to adjudicate the issue.

10. The impugned order does not suffer from illegality, material irregularity, or jurisdictional defect warranting interference under constitutional jurisdiction. The learned Rent Controller has exercised jurisdiction vested in him by law, applied settled legal principles, and passed a reasoned order. No case of non-application of judicial mind or miscarriage of justice has been made out.

11. Accordingly, these petitions are dismissed in *limine* along with listed applications, being devoid of merit, with the observation that the learned Rent Controller shall proceed with the rent proceedings strictly in accordance with law and decide the same expeditiously on merits, without being influenced by any observation made herein.

12. These are the reasons for the short order of even date, whereby the instant petitions were dismissed in *limine*.

Office to place a copy of his order in all petitions.

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