

# IN THE HIGH COURT OF SINDH AT KARACHI

**C.P No.S-1159 of 2025**

*(Asghar Ali through attorney Hassan Raza v. Muhammad Faizan)*

DATE	ORDER WITH SIGNATURE OF JUDGE.
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## Fresh Case

1. For orders on CMA No.387 of 2026 (If granted).
2. For orders on office objections No.3, 4 & 5.
3. For orders on CMA No.7524 of 2025.
4. For orders on CMA No.7525 of 2025.
5. For hearing of main case.

Attorney of petitioner, Hassan Raza present in person.

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Date of hearing : 22.01.2026

## **JUDGMENT**

**Abdul Hamid Bhurgri, J.-** Through the instant constitutional petition, the petitioner has impugned the judgment dated 27.02.2025 passed by the learned Rent Controller, South Karachi in Rent Case No.1004 of 2024, whereby the petitioner/tenant was directed to vacate the rented premises within a period of sixty (60) days. The petitioner's appeal against the said order was also dismissed by the learned District Judge, Karachi South vide judgment dated 14.04.2025. The petitioner has further challenged the order dated 26.08.2025 passed on his application filed under Section 12(2), C.P.C.

2. The case set up by the petitioner is that his mother, namely Mst. Zarina, was a tenant of Flat No.1-A, situated on the first floor of Majeed Manzil constructed on Plot No.G-3, LR-6/1/12, Lawrence Quarters, Nishtar Road, near KMC Workshop, Karachi, since the year 2019 at a monthly rent of Rs.600/-, which was subsequently enhanced to Rs.2,000/- per month, exclusive of utility charges payable separately. It is stated that after the demise of Mst. Zarina, the petitioner, being her legal heir, came into possession of the premises and used to pay rent to the respondent/landlord. According to the respondent, the petitioner last paid rent on 05.06.2020, for which a receipt was issued, and thereafter defaulted in payment of rent and utility bills despite repeated demands, which constrained the respondent to initiate eviction proceedings.

3. Perusal of the record reveals that notices were duly issued to the petitioner. It further transpires from the order passed on the application

under Section 12(2), C.P.C. that the petitioner appeared before the trial Court on 23.12.2024, but thereafter neither contested the proceedings nor received copies of the rent application. Consequently, he was proceeded ex parte, and the eviction order was passed on 27.02.2025 on the basis of affidavits and un-rebutted material produced by the respondent. The learned appellate Court upheld the said order. Subsequently, the petitioner filed an application under Section 12(2), C.P.C., which was dismissed vide order dated 26.08.2025.

4. Heard the attorney of the petitioner, who appeared in person, and perused the available record with his assistance.

5. I have carefully examined the impugned eviction order as well as the order passed on the application under Section 12(2), C.P.C. It is evident that the petitioner had put in appearance before the trial Court on 23.12.2024, but thereafter remained absent without furnishing any plausible explanation. In the absence of any rebuttal or defence, the learned Rent Controller was left with no option but to decide the rent application on the basis of the material available on record. The record further reflects that the default in payment of rent was apparent, and the petitioner failed to justify his continuous absence despite due service of notice and prior appearance before the Court. In these circumstances, the orders passed by the trial Court and affirmed by the appellate Court do not suffer from any illegality, misreading, or non-reading of evidence so as to warrant interference in constitutional jurisdiction.

6. It is well settled that the constitutional jurisdiction under Article 199 of the Constitution is not intended to be exercised as an appellate or revisional forum, particularly in matters arising out of rent proceedings, unless the impugned orders suffer from patent illegality, jurisdictional defect, or are shown to be perverse.

7. The contention of the petitioner that the eviction order was obtained through fraud or misrepresentation, and that such grievance justified invocation of Section 12(2), C.P.C., appears to be misconceived. No particulars of fraud or misrepresentation were pleaded or established. On the contrary, the record clearly demonstrates that the petitioner was aware of the proceedings and had appeared before the trial Court on 23.12.2024. In these circumstances, it cannot be said, by any stretch of

imagination, that the impugned eviction order was obtained fraudulently. The application under Section 12(2), C.P.C. appears to have been filed merely to prolong the proceedings and delay execution of the eviction order.

8. In view of the foregoing reasons, the instant constitutional petition is devoid of merit and does not call for any interference in constitutional jurisdiction. Accordingly, the petition is dismissed in *limine* along with all pending applications.

JUDGE

Ayaz Gul