

**IN THE HIGH COURT OF SINDH AT KARACHI**

**C.P.No. S-461 of 2026**

***Wajid Ali Khan***  
***Versus***  
***Muhammad Azizullah***

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Date

Order with Signature of Judge

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**Date of Hearing and Order: 20-05-2026.**

Mr. Syed Asam-ul-Haq, Advocate for the Petitioner.

**ORDER**

**ZULFIQAR ALI SANGI, J:** Through the instant Constitutional Petition instituted under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has assailed the legality, propriety and validity of the order dated 21.04.2026 passed by the learned III-Rent Controller, East Karachi, in Rent Case No.287 of 2025, whereby the application moved by the respondent/landlord under Section 16(1) of the Sindh Rented Premises Ordinance, 1979 was allowed and the petitioner/tenant was directed to deposit the outstanding arrears of rent as well as future monthly rent within the stipulated period.

2. Learned counsel for the petitioner contended that the learned Rent Controller acted illegally and with material irregularity while passing the impugned order without conducting a proper inquiry as contemplated under Section 16 of the Sindh Rented Premises Ordinance, 1979. It was argued that the relationship inter se the parties is not exclusively governed by the tenancy arrangement, rather the same is also regulated through an Investment and Partnership Agreement dated 30.03.2021, therefore, the controversy involves complicated and disputed questions of fact requiring full-fledged adjudication after recording of evidence by a competent Civil Court. Learned counsel further submitted that the alleged tenancy agreement dated 25.02.2025 is forged and fabricated and the signatures attributed to the petitioner are disputed. It was further contended that the petitioner has regularly tendered rent through banking channels and no willful default has ever been committed. Learned counsel also

asserted that adequate opportunity of hearing was not afforded to the petitioner before passing of the impugned order. In support of his submissions, reliance was placed upon the case of *Mrs. Durre Shamim Rafi v. Muhammad Zubair Khan and another* reported as 2013 CLC 1021.

3. I have heard learned counsel for the petitioner at considerable length and have carefully examined the material available on record with his able assistance.

4. A careful perusal of the impugned order as well as the proceedings conducted before the learned Rent Controller reveals that sufficient and reasonable opportunities were afforded to the petitioner to contest the application filed under Section 16(1) of the Sindh Rented Premises Ordinance, 1979. The record further demonstrates that the counter affidavit/written statement submitted by the petitioner was available before the learned Rent Controller and the same was duly taken into consideration while rendering the impugned order. It is by now a settled principle of law that refusal of adjournment on a particular date does not ipso facto amount to denial of fair trial or fair hearing, particularly where repeated opportunities had already been availed by the concerned party. The principles of natural justice merely require reasonable opportunity and not endless indulgence.

5. It is an admitted position emerging from the record that relationship of landlord and tenant exists between the parties. The controversy sought to be raised by the petitioner with regard to the Investment and Partnership Agreement dated 30.03.2021 pertains to a distinct and independent arrangement allegedly relating to school business and sharing of profits. Such arrangement, even if assumed to exist, neither extinguishes nor suspends the admitted relationship of landlord and tenant between the parties. The learned Rent Controller has rightly observed that any dispute arising out of the alleged partnership arrangement may independently be agitated before the competent forum in accordance with law, however, the same cannot operate as a legal impediment in the exercise of jurisdiction vested in the Rent Controller under the special rent law. It is a settled proposition that where existence of tenancy is admitted, collateral disputes cannot be permitted to frustrate or delay rent proceedings.

6. Under Section 16(1) of the Sindh Rented Premises Ordinance, 1979, the Rent Controller is vested with authority to pass a tentative order for deposit of rent upon prima facie satisfaction regarding existence of tenancy and default in payment of rent. At such preliminary stage, the law does not contemplate a detailed inquiry akin to a regular trial nor recording of exhaustive evidence. The object behind such provision is to safeguard the rights of the landlord during pendency of ejectment proceedings and to prevent abuse of process by withholding admitted or prima facie payable rent. It is equally well settled that a tentative order does not finally determine the substantive rights of the parties and all questions remain open for adjudication after recording of evidence in the main proceedings. Therefore, no irreparable prejudice can be said to have been caused to the petitioner by issuance of the impugned tentative order.

7. The plea raised by the petitioner regarding alleged forgery of tenancy agreement dated 25.02.2025 and disputed signatures essentially involves disputed questions of fact requiring evidence. Such controversial factual controversies cannot conclusively be examined in constitutional jurisdiction under Article 199 of the Constitution, which is primarily supervisory and discretionary in nature. Even otherwise, the learned Rent Controller, after tentative appraisal of the material available on record, arrived at a prima facie conclusion regarding the relationship of tenancy, rate of rent and outstanding arrears. The petitioner has failed to point out any jurisdictional defect, patent illegality, material irregularity, or misreading/non-reading of material evidence warranting interference by this Court in exercise of its extraordinary constitutional jurisdiction.

8. It is a well-established principle of law that constitutional jurisdiction under Article 199 of the Constitution cannot be invoked as a substitute for ordinary remedies nor can this Court sit as a Court of appeal to reappraise tentative findings recorded by a competent forum. Interference in constitutional jurisdiction is warranted only where the impugned order is shown to be coram non iudice, without lawful authority, suffering from patent illegality, jurisdictional defect, or resulting in grave miscarriage of justice. The superior Courts have consistently held that findings recorded by Rent Controllers on

tentative assessment are ordinarily not open to interference unless the same are arbitrary, capricious or wholly unsupported by the record. In the present case, the impugned order appears to have been passed strictly in accordance with law after proper consideration of the respective pleas advanced by the parties and does not suffer from any legal infirmity requiring interference by this Court.

9. The reliance placed by the learned counsel for the petitioner upon the judgment reported as 2013 CLC 1021 is distinguishable on facts and circumstances and does not advance the case of the petitioner, as the controversy involved in the cited case is materially different from the facts of the present matter.

10. For the foregoing reasons, this Court is of the considered view that the instant Constitutional Petition is devoid of substance and merit. The impugned order dated 21.04.2026 passed by the learned III-Rent Controller, East Karachi, neither suffers from any jurisdictional defect nor from any illegality or material irregularity. Consequently, the instant Constitutional Petition is dismissed in *limine* along with all pending applications, if any. The impugned order dated 21.04.2026 is hereby maintained.

JUDGE