

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-464 of 2026

Date	Order with signature(s) of Judge(s)
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Fresh case

1. For orders on CMA No.3362/2026 (Urgent Application)
2. For orders on office objection No.1 as at flag 'A'
3. For orders on CMA No.3363/2026 (Exemption Application)
4. For orders on CMA No.3364/2026 (Stay Application)
5. For hearing of main case

11.05.2026

Mr. Muhammad Mushtaq Qadri, Advocate for the petitioner
assisted by Mr. Naveed Ahmed Bhughio, Advocate

1. Urgency granted.
3. Exemption granted subject to all just exceptions.

24&5. Through this petition, the petitioner has assailed the order dated 28.04.2026, whereby learned Rent Controller closed the side of defence of the petitioner/tenant without assigning any reason. He further maintained that the application filed by the petitioner was also dismissed vide order dated 28.02.2026. Learned counsel further submits that today the matter is fixed for final arguments; however, the Court below has neither recorded evidence of either side nor afforded the parties an opportunity to lead their evidence, and has hastily proceeded to decide fate of the case finally. The case diaries annexed with the file support the contention of the learned counsel.

Mr. Muhammad Kamran, learned AAG, present in Court in connection with some other cases, waives notice and submits that it would be appropriate for the parties to lead their evidence and thereafter the Trial Court/Rent Controller to decide the fate of the case instead of depriving the petitioner as well as the other side of their right to put forth their defence.

Admittedly, no final judgment has yet been passed, nor has evidence of either side been recorded. Therefore, the order dated 28.04.2026 passed by the learned Trial Court/VIIIth Senior Civil Judge/Assistant Sessions Judge and Rent Controller, Karachi-West, in Rent Case No.279 of 2024, being arbitrary and contrary to law, is liable to

be *set aside*. Accordingly, this petition, in view of the above legal position, is hereby allowed, and the impugned order is *set aside*. The Trial Court is directed to record the evidence of both sides after examining their documents and thereafter decide the Rent Application strictly in accordance with law within a period of two months. In case any party seeks adjournment on a flimsy ground, the same shall not be entertained. The learned Trial Court is further directed to proceed with the matter on a day-to-day basis.

Judge
Head of Const. Benches