

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-395 of 2026
(Tufail Suteria v. Mehboob Haroon Shekhani)

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

- 1. For orders on office objections.
- 2. For hearing of Misc. No.2901/26
- 3. For hearing of Misc. No.2900/26
- 4. For hearing of main case.

31.08.2026.
Mr. Ahmed Madni, Advocate for the Petitioner.

Syed Mukhtiar Hussain, learned Advocate, undertakes to file Vakalatnama on behalf of the respondent; however, learned counsel for the petitioner insists upon arguing the matter. He contends that, pursuant to the orders dated 04.05.2025 and 16.08.2025, the respondent had failed to deposit the tentative rent as directed under Section 16(1) of the SRPO, 1979, and had, therefore, committed willful default. As such, according to learned counsel, the defence of the respondent ought to have been struck off by invoking the provisions of Section 16 of the SRPO, 1979. He further contends that although an application under Section 16(2) of the SRPO, 1979 was filed, the defence of the respondent was not struck off. He submits that the impugned order dated 26.03.2026 was passed without jurisdiction and is, therefore, liable to be set aside. He consequently prays that, in exercise of the power of judicial review, the order dated 26.03.2026 may be set aside.

2. Counsel for the respondent submits that the petitioner never refused to deposit the tentative rent; however, delay in depositing the rent apparently are on the part of office of the learned trial Court as such respondent was not guilty of delay in depositing the rent. He prayed to dismiss the petition.

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

4. While dealing with an application under Section 16(2) of SRPO, 1979 the learned trial Court in its para-5 of impugned order dated 26.03.2026 held that:

“5. The perusal of material available on record reflects that vide order dated 24.5.2025 passed on application U/S 16 (1) of SRPO, 1979 filed by Applicant side, the opponent was directed to deposit the onward future rent amount @ Rs.15000/- per month before this Court, while for arrears rent amount the Applicant was given liberty to get execute the order of fair rent amount recovery from the concerned Court of law, but the reader of this Court did not mention about said order in case diary and kept the application U/S 16 (1) of SRPO, 1979 as pending and due to such mistake on the part of reader to continuously fixing the application U/S 16 (1) of SRPO, 1979 again and again on 16.8.2025 another order was passed on such application directing the

Opponent to deposit onwards future rent amount at the rate of Rs.15000/- per month alongwith arrears differential amount in this Court with directions to COC to open such ledger and calculate the arrears differential amount for deposition by Opponent within one month., but the perusal of record reflects that the COC of this Court in compliance of order dated 16.8.2025 has not made any calculation of amount, neither has issued such challan to opponent side. "Be that as it may, it is pertinent to mention here that due to such conduct of Reader and COC of this Court the reports against them are already made by the Presiding officer which is part of record of this Court". However today the opponent in continuation of said orders passed by this Court on application U/S 16 (1) of SRPO, 1979 has obtained such challan from the Court of learned VIITH Rent Controller, Karachi South in MRC bearing No.1147/2008 against subject premises filed by him, therefore, there is no apparent negligence or default on the part of opponent in making the compliance of orders of this Court, while since the question of withdrawal of said rent amount as deposited by the opponent in the Court of learned VIITH Rent Controller against said premises is concerned than the applicant may approach to the Court of learned VIITH Rent Controller, Karachi South and the opponent is directed to deposit the onwards future monthly rent amount before this Court by 10th of every month."

5. Upon perusal of the impugned order, it revealed that the respondent/tenant was willing to deposit the tentative rent; however, the Reader/COC of the learned Trial Court neither prepared the ledger nor calculated the outstanding balance amount. As such, there was no fault on the part of the tenant in depositing the rent. The challan was accordingly issued to the respondent on 26.03.2026.

6. In the given circumstances, when the respondent/tenant was not guilty of any default, he could not be penalized by invoking the provisions of Section 16(2) of the SRPO, 1979. Accordingly, the instant petition, being devoid of merit, is hereby dismissed, along with all pending applications.

JUDGE