THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Constitutional Petition No.S- 596 of 2025

Present: Justice Jawad Akbar Sarwana

Petitioner	:	Aijaz s/o Muhammad Ali through Mr. Muhammad Waseem, Advocate.
Respondent No.1	:	Muhammad Khalid s/o Muhammad Yaqoob. Nemo.
Respondent No.2	:	Learned 1st Senior Civil Judge/Rent Controller Hyderabad. Nemo.
Date of hearing	:	23.10.2025.
Date of Order	:	23.10.2025.
Date of Reasons	:	18.11.2026

O R D E R

JAWAD AKBAR SARWANA, J.: The petitioner/opponent, Aijaz s/o Muhammad Ali, has challenged the Order dated 11.09.2025 passed by the 1st Senior Civil Judge/Rent Controller, Hyderabad, in Rent Application No.44/2025 filed by the respondent/applicant, Muhammad Khalid, wherein the said respondent/applicant filed an application u/s 16 of the Sindh Rented Premises Ordinance, 1979 and the learned Rent Controller allowed the same in terms thereof. Counsel for the petitioner/opponent argued that no case was made out for deposit of any rent because it was already being deposited, and the respondent/applicant was also not the owner/landlord of the demised premises. Therefore, the impugned order is “without lawful authority” and is “of no legal effect” and, as such, liable to be set aside under writ jurisdiction.

Heard Counsel for the petitioner and perused the record. The impugned Order is tentative in nature and subject to the final outcome of the rent application. The learned Rent Controller, it appears, based on a summary inquiry into the landlord's assertion and the defence raised by the tenant, after hearing the parties, passed the impugned Order. In that inquiry, the respondent/petitioner had failed to satisfy the learned Rent Controller with regard to the quantum of the monthly rent payable for the demised premises in the sum of Rs.80,000 per month, as he was accepting rent of a lower amount from other tenants in the same premises, as per the information available with the Rent Controller in other rent proceedings pending before him. Further, the petitioner/opponent

could not tentatively demonstrate, based on the receipts filed, that the same were made by him, as the name mentioned on the deposit receipt did not match the petitioner's name, and even otherwise he had accepted in the pleadings that he was the tenant of the respondent/applicant. Therefore, considering the stage of the proceedings, the Rent Controller directed the petitioner/opponent to deposit rent in Court at the lower amount of Rs. 10,000/- only. The impugned order is reasoned, and the rationale for passing it cannot be treated as against law or any principle. It has often been held that detailed, in-depth inquiry cannot be held at that stage, nor can issues be framed. The nature of the inquiry is not that of a trial before trial. It is a matter of fact that during the trial the issue of default will be determined, and the same would not render the tentative order of deposit of approximate rent of Rs.10,0000, either invalid or improper.

Given the above, I dismissed the petitioner in limine by my short order dated 23.10.2025, and the above are the reasons for the dismissal.

JUDGE

Tufail