

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Syed Hasan Azhar Rizvi  
Mr. Justice Aqeel Ahmed Abbasi

**Civil Petition No.662-K of 2024**

[Against the order dated 13.05.2024 passed by the High Court of Sindh, Karachi  
in C.P.No.S-524 of 2024]

***Muhammad Ain-ul-Haq***

*...Petitioner(s)*

***Versus***

***Abdul Ali and another***

*...Respondent(s)*

For the Petitioner(s) : Dr. Raana Khan, ASC along with the  
petitioner

For Respondent(s) : N.R

Date of Hearing : 25.07.2024.

**JUDGMENT**

**Syed Hasan Azhar Rizvi, J.-** Through this petition, the petitioner has challenged the order dated 13.05.2024 (“**impugned Order**”) passed by the High Court of Sindh, Karachi whereby the constitutional petition (*C.P.No.S-524 of 2024*) filed by him was disposed of with the direction to the petitioner/tenant to hand over the vacant peaceful possession of the demised premises to the respondent No.1/landlord.

2. Facts in brief are that in 1980 the petitioner entered into a tenancy agreement with the respondent No.1 in respect of Shops No. 6 and 7, ground floor, plot No.1433, Sector 10-L Orangi Town, (“**demised premises**”) at the rate of Rs.200/- per month each. In 2017, the respondent No.1 filed an application under section 8 of the Sindh Rented Premises Ordinance, 1979 (“**SRPO**”) for fixation of fair rent (*Rent Case No.161/2017*) before learned Rent

Controller-XI, Karachi (West) which was allowed *vide* judgment dated 20.12.2018 and fair rent of the demised premises was fixed at the rate of Rs.5000/- per month with 10% increase per annum. Against this decision the petitioner filed an Appeal (*FRA No.17/2009*) wherein the amount of fair rent was reduced to Rs.3000/- per month. As the petitioner committed default in payment of rent, therefore, respondent No.1 filed an application for eviction (*Rent Case No.109 of 2023*) under section 15 of SRPO against the petitioner/tenant on the grounds of default in payment of rent as well as personal *bona fide* need. The said application was allowed *vide* order dated 23.01.2024 and the petitioner was directed to handover vacant peaceful possession of the demised premises to respondent No.1. Petitioner did not challenge this order before any court. An execution application was filed by the respondent No.1 which was also allowed *vide* order dated 03.05.2024. The order in execution proceedings was challenged by the petitioner before High Court through constitutional petition that was dismissed *vide* the impugned order, hence this petition.

3. Learned counsel for the petitioner contends that impugned order suffers from illegality and infirmity; that petitioner entered into an agreement for permanent tenancy and having paid premium he cannot be evicted, thus, the impugned order be set aside.

4. We have considered the contentions advanced by the learned counsel for the petitioner and gone through the material available on the record.

5. At this juncture, it is essential to point out that the petitioner has only challenged the execution proceedings rather than the original eviction order passed by the learned Rent

Controller. As the eviction order itself has not been challenged, it remains legally valid and enforceable unless it has been set aside by any competent court of law. Hence, this court cannot address the grievances of the petitioner pertaining to the issue that eviction order passed by learned Rent Controller was illegal.

6. Upon perusal of the impugned order, it becomes apparent that the learned High Court has solely prescribed a timeframe for vacating the demised premises. It is a well-established principle that within the framework of execution proceedings, the courts are precluded from deliberating on the merits of the underlying case. Execution proceedings are confined to the implementation of judicial decisions and do not extend to an examination of the substantive issues that may have been previously adjudicated. Accordingly, the learned Rent Controller was duty bound to act solely in accordance with the law and to enforce the eviction order, without the latitude to scrutinize, question, or revisit the merits thereof. Similarly, the High Court was bound by the same constraints. Thus, the decisions rendered by the learned Rent Controller and the High Court in the execution proceedings are justified and legally apt.

7. While exercising jurisdiction under Article 185(3) of the Constitution of the Islamic Republic of Pakistan, 1973, this Court does not normally go beyond the findings of the High Court unless it can be shown that such a finding is, on the face of it, perverse or against the evidence.

8. We have carefully examined the impugned order and find that the directions issued by the High Court are justified and plausible. Learned counsel for the petitioner has failed to point out

any illegality or infirmity that would justify interference by this Court.

9. Consequently, this petition, being devoid of merit, is dismissed and leave is refused.

10. Above are the reasons for our short order pronounced on even date.

**Judge**

**Judge**

Karachi,  
25<sup>th</sup> July, 2024  
**APPROVED FOR REPORTING**  
*Paras Zafar, LC\**