

ORDER SHEET

IN THE LAHORE HIGH COURT, RAWALPINDI BENCH, RAWALPINDI

JUDICIAL DEPARTMENT

Writ Petition No. 1970 of 2013

Malik Zaheer Abbas

Petitioner

versus

Additional District Judge etc.

Respondents

S. No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of parties or counsel, where necessary
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15.05.2014 Sh. Muhammad Matee-ur-Rehman, Advocate for the petitioner.
Naureen Kausar Mughal, Advocate for respondent No. 3.

By way of this writ petition, the order dated 15.1.2013, passed by the learned Special Judge (Rent), Rawalpindi and the judgment dated 31.8.2013 passed by the learned Additional District Judge, Rawalpindi have been called in question.

2. Through the above mentioned order, in an ejectment petition, filed by the respondent No. 3 against the petitioner, the application for leave to contest, moved by the petitioner, has been dismissed. Whereas through the above mentioned judgment, an appeal preferred by the petitioner against the above said order of the learned Rent Tribunal has also been turned down.

3. Arguments heard and record perused.

4. The record shows that the respondent No. 3 had filed the ejectment petition, against the petitioner, in respect of the house described in the petition. The grounds were that the house was obtained by the petitioner from respondent No. 3 in the month of August, 2011 on monthly rent of Rs.6,000/-; that from the very beginning, the petitioner was irregular towards payment of the monthly rent and ultimately from May, 2012, he failed to make the payment of the monthly rent, despite the fact that in the month of August, 2012, the tenancy had expired.

5. The petitioner appeared before the learned Rent Tribunal and filed an application, whereby he sought leave to contest the ejectment petition. But the learned Rent Tribunal had dismissed the same through the order dated 15.1.2013, on the grounds that the petitioner had failed to give any proof regarding payment of the rent as claimed in the ejectment petition and that in case of oral agreement, the tenancy was from month to month and when not extended or accepted, by the respondent No. 3, it had been terminated.

6. It has been observed that the above mentioned findings of the learned Rent Tribunal were on the basis of correct appreciation and evaluation of the material

available before it and the law on the subject. When the matter in shape of an appeal came before the learned Additional District Judge, again both the parties were heard, the facts and circumstances of the case were re-visited and law on the subject was considered and as no defect in the order passed by the Special Judge (Rent) was found, the appeal was dismissed.

7. No defect of any nature in the order/judgment passed by the learned courts below could be pointed out or observed, hence the said concurrent findings are not interferable in writ jurisdiction and as such the writ petition in hand is dismissed.

(Muhammad Tariq Abbasi)
Judge

Approved for reporting.

Abid/*