

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 1919/2021

M/s Signature Mart through its Managing Partner.

Versus

Learned Civil Judge (East), Islamabad & others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(01)	01.06.2021	Mr. Ibrahim Arshad Khan, Advocate for the petitioner.

The petitioner is aggrieved by an order dated 21.04.2021, wherein the learned Rent Controller/ Civil Judge by order dated 21.04.2021 dismissed an application filed by the petitioner for appointment of local commission.

2. The learned counsel for the petitioner states that the respondents were handed over possession on leased property pursuant to the lease agreement dated 25.10.2019, under which the respondent was required to provide certain facilities and in order to determine whether such facilities are being provided, local commission needed to be appointed for inspection of the property. And that the impugned order suffers from illegality as the learned Rent Controller did not appreciate this aspect of the matter.

3. The learned counsel for the petitioner further states that the petitioner has also brought an independent action against the respondents

seeking enforcement of the terms of lease agreement dated 25.10.2019.

4. The learned Rent Controller has passed a reasoned order stating that appointment of a local commission was not required for adjudication of the controversy before him and further that he is loath to exercise his authority and jurisdiction to enable the petitioner to undertake a fishing expedition and dig out facts to strengthen his claims against the respondents.

5. Given that proceedings before the learned Rent Controller exercising jurisdiction under the Islamabad Rent Restriction Ordinance, 2001 are of summary nature and the order of the learned Rent Controller at this stage merely requires the petitioner to deposit the monthly rent of the suit property, whose possession by the petitioner is admitted before the Court the order is in accordance with law and the dismissal of the application of the petitioner does not suffer from any material illegality. In the event that the respondents are delinquent in terms of discharging their obligations under the lease agreement between the petitioner and respondents No.2 & 3, the petitioner is free to initiate appropriate legal proceedings under law to secure his right, if so advised. However, the learned Rent Controller was correct in not

allowing the proceedings pending before him to be embarrassed by unrelated controversies.

6. In view of the above, this petition is **dismissed in limine.**

**(BABAR SATTAR)
JUDGE**