

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD. **JUDICIAL DEPARTMENT.**

W.P No.2129/2019.

Huma Waqar

Versus

Muhammad Shakeel Khan etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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01. 31.05.2019 Hafiz Muhammad Usman, Advocate for the petitioner.

Through the instant writ petition, the petitioner has assailed the order dated 15.05.2019, passed by learned Additional District Judge-VI East Islamabad and order dated 16.04.2019, passed by learned Rent Controller East Islamabad, whereby the eviction petition filed by respondent No.1 was allowed.

2. Learned counsel for the petitioner inter-alia contends that the petitioner is tenant of respondent No.1 regarding leased premises comprising of basement, ground floor, first floor, second floor situated at DHA, Gate No.1, Phase II Humak, Main GT Road Islamabad known as Masooma Ashraf Plaza vide lease agreement dated 25.11.2017 against monthly rent of Rs.4,00,000/- per month for the period from 01.01.2018 to 31.12.2028; that the petitioner paid due rent to respondent No.1; that the lease agreement was executed with Huma Waqar as well as Zahid Hameed and Zahid Hameed was looking after the affairs of rent, who was arrested in criminal case and was in judicial custody, due to which the rent was not paid; that the petitioner is ready to pay the tentative rent, if she is granted time.

3. Arguments heard, record perused.

4. Perusal of the record reveals that the petitioner being tenant of property situated at DHA, Gate No.1, Phase II Humak, Main GT Road Islamabad known as Masooma Ashraf Plaza is enjoying possession of leased premises, however, eviction petition was filed by respondent No.1 due to default in agreed rent w.e.f. July, 2018. During the eviction proceedings, learned Rent Controller passed the order for deposit of rent in terms of section 17(8) of IRRO, 2001 vide order dated 02.04.2019, whereby the petitioner was directed to deposit monthly rent in the Court, however, the said order was not complied with, which resulted into passing of the impugned order in terms of section 17(9) of IRRO, 2001 vide judgment dated 16.04.2019, however, the petitioner went into appeal, where the petitioner was again directed to deposit monthly rent in terms of section 21(6) of IRRO, 2001 but the petitioner failed and the appeal was dismissed vide impugned order dated 15.05.2019.

5. Keeping in view above background, the petitioner was asked to deposit the due rent w.e.f. July, 2018 till June, 2019, whereby learned counsel for the petitioner has candidly conceded that the petitioner is not in position to deposit the rent of the leased premises and contends that a school is being run in the said premises and in case of eviction order, the children would suffer. The contention raised by learned counsel for the petitioner is not acceptable. The default is apparent from the record, even non-compliance of Court orders rendered the petitioner disobedient towards compliance of the Court orders. Both the Courts below have not committed any illegality while passing orders of tentative rent and non-compliance of the same has its consequences.

6. In view of above reasons, the instant writ petition bears no merits, therefore, the same is hereby *dismissed in limine*. Copy of this order be transmitted to learned Rent Controller for information.

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam