

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
(JUDICIAL DEPARTMENT)

W.P. No.2276 of 2020

Muhammad Manzoor Dhudra
Versus
The Additional District Judge (West), Islamabad, and others.

S.No. of order/ proceeding	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(01)	21.08.2020	Sardar Muhammad Tariq Fareed Gopang, Advocate.

Through the instant petition, under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner seeks setting aside of impugned orders dated 19.08.2020 and 09.03.2020 passed by the learned Addl. District Judge, and the learned Rent Controller (West), Islamabad.

2. The brief facts of the instant petition are that respondent No.3 filed an ejectment petition against the petitioner and one Qamar Ali son of Akbar Khan in respect of double storey building No.136, I&T Center Sector G-9/1, Islamabad, wherein vide order dated 25.02.2020, the petitioner was directed to deposit arrears of rent from February 2019 @ Rs.1,20,000/- per month in the Court and it was made cleared that further proceedings in the matter shall be carried out needful is done and the matter was adjourned to 09.03.2020, but the petitioner failed to comply with order dated 25.02.2020, as a result of which, the learned Rent Collector vide order dated 09.03.2020, struck off the right of the petitioner under Section 17(9) of Islamabad, Rent Restriction Ordinance, 2001 due to non-compliance of order dated 25.02.2020 under Section 17(8) of Islamabad, Rent Restriction Ordinance, 2001 and accepted the eviction petition directing the petitioner to handover the peaceful vacant possession of the rented premises forthwith to

respondent No.3. Being aggrieved, the petitioner preferred an appeal, whereby vide order dated 21.07.2020, the petitioner was directed to deposit arrears of rent up-till July, 2020 within four days but the petitioner failed to comply with the said order, as such, vide order dated 19.08.2020 the appeal of the petitioner was dismissed. Hence, the instant petition.

3. For ready reference, Order 21 (6) of the Islamabad Rent Restriction Ordinance, 2001, is reproduced as under:-

"21. Appeal.- (1) Any party aggrieved by a final order of the Controller made under this Ordinance may, within thirty days of the date of such order, prefer an appeal to the District Judge.

(2)

(3)

(4)

(5)

(6) The appellate authority admitting an appeal for hearing shall have the same powers to direct tenant to deposit the rent as are vested in the Controller under this Ordinance and, if the tenant makes default in compliance with such an order, then if he is the appellant, his appeal shall be dismissed summarily and if the respondent, his defence shall be struck off.

4. Perusal of the record reveals that the learned Rent Controller vide order dated 25.02.2020 directed the petitioner to deposit arrears of rent from February 2019 at the rate of Rs.1,20,000/- per month in the Court and further proceedings were to be carried out subject to payment of arrears and the matter was adjourned to 09.03.2020, but the petitioner failed to comply with the said order. The learned Rent Collector vide order dated 09.03.2020, struck off the right of the petitioner under Section 17(9) of Islamabad, Rent Restriction Ordinance, 2001 due to non-compliance of order dated 25.02.2020, under Section 17(8) of Islamabad, Rent Restriction Ordinance, 2001 and accepted the eviction petition directing the petitioner to

handover the peaceful vacant possession of the demised premises forthwith to respondent No.3 against which the petitioner preferred an appeal, whereby the learned Appellate Authority, vide order dated 21.07.2020 directed the petitioner to deposit arrears of rent up-till July, 2020 within four days, but he again failed to comply with the said order, as such, vide order dated 19.08.2020, the appeal of the petitioner was dismissed. Hence, both learned Courts below have rightly passed the impugned orders against the petitioner.

5. Learned counsel for the petitioner has failed to point out any illegality or irregularity in the impugned orders passed by the courts below warranting interference by this Court in exercise of its constitutional jurisdiction.

6. In view of the above, this petition having no force is, therefore, **dismissed in limine**.

(GHULAM AZAM QAMBRANI)
JUDGE

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