

*Form No: HCJD/C-121.*

**JUDGEMENT SHEET**

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

Civil Revision. No. 101 of 2019

Najma

***Vs***

Ministry of Law, Justice and Human Rights, etc

**PETITIONER BY:** Mr. Tajamul Iqbal Ch, Advocate.  
**RESPONDENTS BY:** Mr. Farrukh Dall, AAG.  
Ms. Saira Furqan, Manager/MOHR  
**DATE OF HEARING:** 19-04-2019.

**ATHAR MINALLAH, CJ.-** Through this Civil Revision, the petitioner has assailed orders, dated 05-12-2018 and 14.03.2019, passed by the learned Civil Judge 1<sup>st</sup> Class-West, Islamabad and the learned Addl. District Judge-(West), Islamabad, respectively.

2. The facts, in brief, are that the petitioner filed a suit on 23.07.2008 seeking mandatory and prohibitory injunction. The petitioner asserts to be a working woman. She was allotted a room in Nusrat Working Woman Hostel, G-6/3, Islamabad (hereinafter referred to as the "***Hostel***"). The Hostel is governed under the Standard Operating Procedure published in the official gazette vide S.R.O.1143 (I)/2014, dated 19-12-2014 (hereinafter referred to as the "***SOPs***"). This Court vide order, dated 14.03.2019, passed in W.P.No.4670 of 2013 had, inter alia, directed that rent was to be charged according to the SOPs. Clause (g) of the SOPs prescribes the fee structure/tariff rates. The petitioner asserts that she was not required to pay the rent/tariff rate prescribed under the SOPs and instead Rs.2300 per

month could be charged from her. Alongwith the suit the petitioner had filed an application under Order XXXIX Rule 1 & 2 CPC. The application was dismissed by the learned trial Court vide order, dated 05-12-2018, which was later upheld by the learned Appellate Court vide order, dated 14.03.2019.

3. The learned counsel for the petitioner has contended that; the latter has not refused to pay rent; her eviction would be unlawful; the concurrent findings are based on misreading and non-reading; the impugned orders have been passed in a mechanical manner without application of mind.

4. The learned Assistant Attorney General has argued that; the petitioner has failed to deposit the monthly rent as per the rates prescribed under the SOPs; this Court has held that the occupants of rooms in the Hostel are required to pay rent prescribed under the SOPs.

5. The learned counsel for the petitioner and the learned Assistant Attorney General have been heard and record perused with their able assistance.

6. The room of the Hostel allotted to the petitioner is regulated under the SOPs. Rent/tariff rate per month is explicitly prescribed in the SOPs. The petitioner has filed a suit contesting the demand of rent of per month in accordance with the prescribed charges/rates in the SOPs. The learned counsel for the petitioner, despite his able assistance, could not show that a, prima facie, case is made out in order to restrain the respondents from demanding charges/tariff rates, which are prescribed in the SOPs. The SOPs and the charges/tariff rates prescribed in the SOPs are binding. The concurrent findings do

not suffer from any legal infirmity nor could it be shown that the discretion was exercised by the learned trial Court in an arbitrary or fanciful manner.

7. For what has been discussed above, the instant petition is without merit and, therefore, accordingly dismissed.

**CHIEF JUSTICE**

Asif Mughal/\*