

3-0

Form No: HCJD/C-121.

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

Writ Petition No.416 of 2011,  
Muneer Khan Etc Versus Uzma Ufaq Etc.

S. No. of order proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
-----------------------------	----------------------------	---

01      14-02-2011      Mr. Musharraf Khan, Advocate for the petitioner.

This Writ Petition challenges the Judgments dated 26.1.2010 and 8.7.2010 passed by learned Rent Controller as well as learned Additional District Judge, Islamabad, respectively, whereby ejectment petition of the respondents No.1&2 was accepted and ejectment order was upheld by the learned Appellate Court.

2-      The petitioners assail the Judgments on the ground that ownership of the property is controversial as the CDA claims to be the owner and has already cancelled the property from the names of respondents No.1&2.

3-      Both the courts below after perusal of evidence and on the basis of available record, accepted the eviction application and passed the ejectment order.

4-      Admittedly, there exists a tenancy agreement between the parties, which was not extended after its expiry.

5-      The petitioners in their written statement before the learned Trial Court submitted that respondent No.1 (Haji Muhammad Zahoor) had been regularly paying the rent to Dr. Zubair Azeem Butt, which means that relationship of landlord and tenant has not been specifically denied.

6-      The ejectment petition was filed by the respondents No.1&2 who are wife and sister in law of Dr. Zubair Azeem Butt, therefore, the eviction petition was maintainable.

7-      So far as dispute between the landlord and CDA is concerned, that has got no relevancy over here as at the most, it can be dispute between a landlord and CDA. According to written statement of CDA in inter pleader suit regarding the said shop , status of present petitioners has been

✓

questioned by stating that they got no cause of action or locus standi to file the petition. Even otherwise the dispute<sup>ed</sup> question of facts and evidence cannot be looked into under the writ jurisdiction of Article 199 of the Constitution.

8- It is an admitted position of law that once a tenant is always a tenant and no contradictory stand can be taken at the same time.

9- Personal bonafide requirements of the respondents No.1&2/landlord has not been rebutted through cross-examination and landlords have got every right to get the premises vacated for personal bonafide use.

10- The learned courts below have dilated upon the issues. There are concurrent findings which need no interference in the writ jurisdiction. As such, petition being devoid of merits, is dismissed in limine.

(MUHAMMAD ANWAR KHAN KASI)  
JUDGE

M. Suhail

Uploaded By: "Zulqarnain Shah"

Blue slip added.  
M. Issue.  
15.2.11.