

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P No.S-459 of 2018

Date	Order with signature of Judge
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Hearing of cases

1. For orders on office objection as at "A"
2. For hearing of main case.

18.10.2018

Mr. Fasih-uz-Zaman, advocate for the Petitioner.
Mr. Syed Amir Ali Shah, advocate for the respondents.

The learned appellate Court seems to have failed to apply judicial mind to come to the conclusion that what should be the operative part of the order. The appellate Court was hearing the appeal against the order of determination of fair rent by the trial Court. The trial Court has fixed the rent at the rate of **Rs.3000/-** per month and the appellate Court while holding that the trial Court has mis-appreciated the evidence modified the impugned order with a vague order. The vague operative part of the order is as follows:-

*The crux of the above discussion is that the learned trial Court mis-appreciated the evidence and determined/fixed the monthly fair rent of the demised premises exorbitantly, which is merely modified and **the fair rent of the demised premises is enhanced to the extent of 50% on existing monthly rent from the date of institution of the rent application.** Instant appeal stands disposed of accordingly.*

Learned counsel for the respondent when confronted with this finding of the appellate Court concedes that this order is vague since it has left the calculation of exact rent on the parties to figure it out. Therefore, by consent of both counsel this petition is remanded to the appellate Court with direction to decide fair rent afresh with fresh mind and ensure that the operative part is clearly appreciable by

the contesting parties. There should be no confusion in the determination of rent for the parties by the learned appellate Court. The case should be decided by the appellate Court within two months. Both the counsel present in Court are directed to appear before the first appellate Court on **09.11.2018** and appellate Court will not issue any Court motion notice to either side.

With the above observation instant petition is disposed of alongwith pending application(s).

JUDGE

*Ayaz Gul/PA**