ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
II-Appeal No. 16 of 2009.

Date

Order with signature of Judge

For hearing of main case.

14th September 2020

Mr. Qamar-ul-Islam, advocate for appellant.

Heard learned counsel for the appellant.

At the outset learned counsel for the appellant contends that learned appellate court has travelled beyond its jurisdiction while passing judgment under Section 96 CPC. According to him appellate court was required to pass a speaking judgment whereas such appeal was disposed of by an order, which is completely against the scheme of law; besides he has emphasized over order dated 23.04.1998 with regard to tentative rent order in Rent Case No. 29 of 1997 whereby tenant (respondent) was required to pay Rs.8,47,000/- and admittedly such order was not complied with and within a month respondent (tenant) filed statement dated 09th May 1998 with regard to handing over of keys of demised premises, on that appellant received the same with protest and claimed Rs.8,89,352/- plus Rs.13,200/-. However, rent case was decided without any direction for payment of such amount, thus plaintiff (appellant) filed suit, that was decreed to the extent of Rs.2,54,000/without any justification. Candidly the documents as referred above were not considered as well appellate court was bound to pass a judgment by adjudicating all the issues as agitated and decided by the trial Court. Hence, impugned judgment is not maintainable under the law, same is set aside; case is remanded back to the appellate Court to decide a fresh within two months from today. Needless to mention that all documents

brought on record shall be considered as well parties shall be provided right of hearing.

The captioned appeal stands disposed of in the foregoing terms.

JUDGE

SAJID