

IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Omar Sial

H.C.A. No.103 of 2011

Creek Marina (Private) Limited & another
Versus
Mohammad Zakir Khan & another

Date of Hearing: 13.03.2024

Appellants: Through Mr. Sameer Tayebaly Advocate.

Respondents: Through Mr. Irfan Mushtaq holds brief for
Mr. Shah Nawaz Advocate.

J U D G M E N T

Impugned in this appeal is an order passed by learned Single Judge on 16.03.2011 in Suit No.1281 of 2009, filed by respondent No.1 against appellants for recovery and damages, whereby appellant No.1 was directed to deposit an amount of Rs.7,694,200/-.

Heard learned counsel and perused record.

At some point in time, in 2006 defendant/respondent No.1 booked an apartment with the appellants and over a period of three years next to the booking, as conceded by learned counsel for the appellants, he (respondent No.1) has paid the consideration in the sum of approximately Rs.7.6 Million. Not an inch of the project, where the subject unit/flat would have been situated, was raised/constructed. The appellants since then are keeping and retaining this money for their own benefit and consumption, which was rightly ordered to be deposited via impugned order. The value of Rs.7.6 million during the period from 2006 to 2009 should have been multiplied manifolds as of now on account of devaluation and depreciation of Pak rupee, however, a lenient view was taken when the learned Single Judge directed the appellants to deposit

the same amount as obtained in the year 2006-2009, whereas, as of now, the value of that amount multiplied many folds.

Be that as it may, this is the only order before us passed on 16.03.2011, and we, in view of above observation, do not see any reason to interfere in the order impugned in this appeal. We, therefore, dismiss instant appeal and direct the appellants to deposit the requisite amount, as identified in the order, in three days' time failing whereof appropriate proceedings may be initiated.

Judge

Judge