

## IN THE HIGH COURT OF SINDH AT KARACHI

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

First Appeal No.63 of 2021

Sardar Abdul Rehman  
Versus  
Junaid Safdar & others

Date of Hearing: 02.04.2024

Appellant: Through Mr. Mujahid Bhatti Advocate.

Respondents: Through Mr. Muhammad Akbar Advocate.

### **J U D G M E N T**

Connected appeal preferred by respondents against the same judgment and decree of II-Additional District Judge Karachi East dated 30.04.2021 was dismissed for the reasons recorded therein however this appeal is filed by the appellant in relation to claim of markup/interest, which was not granted via impugned judgment, referred above.

The appellant has filed a summary suit No.50 of 2019 against the respondents for recovery. The trial Court decreed the suit whereas the appeal filed by the respondents as First Appeal No.57 of 2021 was dismissed having no merit, as referred above. In this appeal however the only question is whether the appellant/plaintiff was entitled to interest/markup at any rate.

We have heard the learned counsel and perused material available on record.

The appellant submitted that the suit was filed in the year 2019 and unnecessarily this amount was retained by respondents hence the decree ought to have been followed by grant of prayer in relation to claim of interest as well which was not provided via impugned judgment.

Even such aspect of the matter has not been discussed in the impugned judgment. Learned counsel appearing for the respondents has not been able to controvert such position and intended to argue the case on merit, which is not the case here.

We are of the view that admittedly this amount was unlawfully and unnecessarily retained by the respondent since the two cheques were bounced hence in all fairness the appellant ought to have been granted interest. Pak currency has already faced devaluation and if such indulgence is not given to the appellant it would be unjustified. Hence instant High Court Appeal is allowed; the suit of the appellant/plaintiff is decreed along with markup/interest at the rate of 6% per annum from the date of decree. The decree be drawn accordingly by the trial Court including the claim of interest.

**Judge**

**Judge**