

IN THE HIGH COURT OF SINDH AT KARACHI
Suit No. 427 of 2013

Date

Order with signature of Judge

1. For hearing of CMA No.3984/2012 (U/o.39 Rule 1 & 2)
 2. For examination of parties / settlement of issues
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16/12/2013:

Mr. M. Jamshed Malik, Advocate for the Plaintiff.

Mr. Moin Azhar Sididduqi, Advocate for the Defendant.

Learned counsel for the Plaintiff has filed annexure-B, which is an agreement on which he rely that he has certain rights under the said agreement. He is of the view that this agreement is tenancy agreement and therefore, his right is protected under this agreement and on expiry of this agreement he has become statutory tenant in terms of Section 17 of the Cantonment Rent Restriction Act, 1963. The defendant has disputed the character of this agreement. According to the defendant this is license agreement. This is of course an issue which cannot be decided unless this document is being produced by the parties in evidence and the examination of this agreement shows it is executed only on Rs.100/- stamp paper. This agreement also contains clause 17, which says "*Sun Sports shall bear the applicable stamp duty of this Agreement*". The recital of clause 3-A of this agreement makes it clear that this agreement was initially for a period of two years meaning thereby that when it was concluded between them, the parties were conscious that this agreement is for more than one year. The document was required to be compulsorily registered under Section 17(1)(d). Since the Plaintiff counsel has repeated relied and referred on this lease agreement and it is not duly

stamped it is impounded in accordance with Section 33 of the Stamp Act, 1899 and the plaintiff is directed to file its original in Court in the office of Additional Registrar (O.S). Additional Registrar, to send the original under a covering letter to the Collector of stamps for proceeding in terms of Section 38 of the Stamp Act, 1899 and pay required stamp duty including penalty in accordance with law. This exercise of getting the agreement duly stamped by the plaintiff within 15 days from today, the office of Additional Registrar and Collector of stamp should treat this matter urgently. Injunction shall continue for 15 days and will continue specifically only subject to payment of stamp duty and penalty as required under the relevant law to make this document (annexure-B) enforceable at law. This exercise is however without prejudice to the parties subject to its effect with respect to their stand about this agreement.

Adjourned to a date in office.

JUDGE

SM

