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PHONE: 9212310

NO: C.A 25 - K OF 2018  
IN

NO: C.P 711 - K OF 2018  
SUPREME COURT OF PAKISTAN

Karachi, the 16<sup>th</sup> July, 2018

FROM:

The Senior Court Associate,  
Supreme Court of Pakistan,  
M.R. Kayani Road,  
Karachi.

INWARD TO: 8996  
BRANCH: K/10  
DATE: 18/7/18  
HIGH COURT OF SINDH AT KARACHI

To,

The Registrar,  
High Court of Sindh,  
Karachi.

SUBJECT:- CIVIL APPEAL NO: 25 - K OF 2018

Arising out of

CIVIL PETITION NO: 711 - K OF 2018

(Abdul Latif and another Vs/ M/s  
Pharmacie Plus (Pvt.) Limited)

On appeal from the Judgment/Order of  
High Court of Sindh, at Karachi. dated:  
07-05-2018, in F.R.A No.22/2007.

ER  
Registrar

A.R. Writ (S.B) 13/7/18  
Mr. Rizwan

I am directed to enclose herewith for information and necessary  
action a certified copy of the Order of this Court dated: 06-07-2018, granting  
the petitioner above named leave to appeal from the Order of the High Court of  
Sindh, at Karachi, above mentioned.

2. The original record of the High Court of Sindh at Karachi and  
Courts below, may be forwarded to the Supreme Court of Pakistan, Branch  
Registry at Karachi, in the above-cited case immediately.

3. The receipt of this letter along-with its enclosure may kindly be  
acknowledged.

Encl: Certified copy of the Order.

  
(SYED ZAFAR ALI)  
Sr. Court Associate

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**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

**Present:**

Mr. Justice Mushir Alam

Mr. Justice Faisal Arab

Mr. Justice Mazhar Alam Khan Miankhel

**Civil Petition No.711-K of 2018**

Against the judgment dated 26.04.2018  
passed by the High Court of Sindh,  
Karachi in F.R.A. No.22 of 2017.

Abdul Latif and another

*Petitioner(s)*

**VERSUS**

M/s Pharmacie Plus (Pvt) Ltd.

*Respondent(s)*

For the Petitioner(s)

: Mr. Shahid Qadeer, ASC  
Mr. Mazhar Ali B. Chohan, AoR

For the Respondent(s)

: N.R.

Date of Hearing

: 06.07.2018

**ORDER**

**Mushir Alam, J.-** Petitioner is landlord in respect of the subject premises of which respondent is tenant. Under the agreement dated 30.09.2014 wherein parties have voluntarily agreed to settle the rent in terms of clause 15 which reads as follows:-

*“That rent of the said premises shall be increased 7% after every eleven (11) months.”*

2. It is, *inter alia*, contended that such determination by and between the parties was by consent and for all intents and purposes of rent within the contemplation of section 7 of the Cantonment Rent Restriction Act, 1963. According to learned counsel once parties have agreed to abide by terms and conditions of agreement it would be governed under the agreement even after the expiry of the agreement. Learned Court below erred while interpreting section 7(5) of the Act *ibid*. Since it is a question which appears to be of first impression, we would accordingly, grant leave appeal in the instant matter to consider the point noted above.

**ATTESTED**

Senior Court Associate  
Supreme Court of Pakistan  
Karachi.

3. Notice be issued to the respondent in the application under Order 33 Rule 6 of Supreme Court Rules, 1980. To come up for hearing

after ten days.

Sd/= Mushir Alam, J

Sd/= Faisal Arab, J

Sd/= Mazhar Alam Khan Miankhel, J



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13/7

CERTIFIED TO BE TRUE COPY

*[Signature]*  
16/7/18  
Senior Court Associate  
Supreme Court of Pakistan  
Karachi.