PHONE: 9212310

NO: C.A 25 - K OF. IN

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

Karachi, the 16th July,2018

FROM:

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

<u>Karachi.</u>

To,

The Registrar, High Court of Sindh, Karachi.

INWARD TO

BRANCH

GRICOURT (

SUBJECT:-CIVIL APPEAL NO: 25 - K

Arising out of

CIVIL PETITION NO: 711 – K (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.

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 latter along-with its enclosure may kindly be Lacknowledged.

Encl: Certified copy of the Order.

Sr. Court Associate

оприеме Court of Polymers, a Karachi.



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."

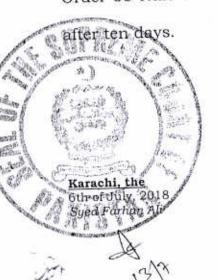
2. It is, inter alia, contended that such determination by and between the parties was by consent and for all intents and purposes of rent within the contemplation of section 7 of the Cantonment Rent Restriction Act, 1963. According to learned counsel once parties have agreed to abide by terms and conditions 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.

Senior Court Association Supreme Court of Palestan Karachi.



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



Sd/= Mushir Alam,J

Sd/= Faisal Arab, J

Sd/= Mazhar Alam Khan Miankhel, J

CERTIFIED TO/BE TRUE COPY

Senior Court Associate Supreme Court of Pakistan Karachi.