

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Present:**

Mr. Justice Qazi Faez Isa  
Mr. Justice Jamal Khan Mandokhail

**Civil Appeal No. 69-K of 2020**

(On appeal from the judgment of the High Court of Sindh at Karachi dated 30.09.2020 passed in R.A. No. 210 of 2010)

● *Late Abdullah Khan Dahiri through L.Rs* ... *Appellants*

**Versus**

*Syed Sharafat Hussain & others* ... *Respondents*

For the Appellants: Syed Ali Ahmed Tariq, ASC

For Respondent No.1 In person.

For Respondents 2 to 7 *Ex-Parte*.

Date of Hearing: 21.12.2021.

**ORDER**

**Qazi Faez Isa, J.** This appeal has been filed as of right under Article 185(2)(d) of the Constitution as the High Court had set aside the judgment of the Appellate Court and restored that of the Trial Court, which had decreed the suit seeking recovery of lease amount in the sum of one hundred and thirty three thousand, six hundred and eighty three rupees with profit at the rate of nine percent.

2. Learned counsel for the appellant states that the judgment of the Appellate Court was correct and the High Court should not have set aside the same and restored the judgment of the Trial Court. He further states that the defendant in the suit, who was father/husband of the present appellants, died in the year 1991 and the leased property was returned in the year 1993. He states that the imposition of nine percent profit by the learned Trial Judge till 1993, which was maintained by the High Court, is not in accordance with law.

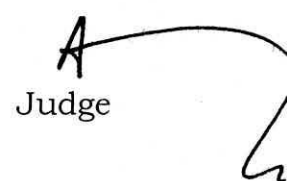
3. That *vide* order dated 1 September 2021 notice was issued subject to the deposit of the said amount and the same was deposited with this Court. The learned Judge of the High Court in setting aside the Appellate Court's judgment and restoring that of the Trial Court had effectively re-imposed

the condition of nine percent profit per year payable till 1993, which cannot be categorized as wrong nor the amount of profit rate as excessive, as the value of money has depreciated over a period of time and nine percent profit per annum is on the conservative side of such depreciation. Therefore, this appeal is dismissed but with no order as to costs since it was filed as of right. The respondents will be entitled to withdraw the amount deposited in this Court and such amount be adjusted towards the decretal amount.

Bench-I  
Karachi:  
21.12.2021  
(K.Anees)



Judge



Judge