

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.S-460 of 2008

Date	Order with signature of Judge
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1. For Katcha Peshi.
2. For hearing of CMA No.3285/2008.

29.08.2013.

Mr. Aminuddin Ansari, Advocate for the petitioner.
Mr. Farhan Abrar, Advocate for respondent No.1.

After arguing the case at some length, both the learned counsel agree on the following propositions:

1. *Both the learned counsel agree that the order passed by the appellate Court dated 15.09.2008 was passed by ignoring some factual aspects necessary to be recorded.*
2. *The Counsel for respondent No.1 further states that respondent No.1 would have no objection if directions are issued to the Rent Controller, where an application for withdrawal of rent deposited by respondent No.1 pertaining to the period December 2006 to-date, filed by the petitioner in Rent Case No.1494/2005 is pending is directed to be allowed and the petitioner be allowed to withdraw the said amount. The Rent Controller is, therefore, directed to allow the said application, in view of the explicit undertaking given by the counsel for respondent No.1 before this Court today.*
3. *Both the learned counsel further agree that the matter may be remanded back to the trial Court for ascertainment of the facts that whether the property in question could be considered to be a hotel or a commercial property. The trial Court after making an extensive enquiry and obtaining relevant materials from the concerned quarters, considering the relevant laws including the Pakistan Hotel & Restaurant Act, 1976, and after providing ample opportunity of hearing to both the sides would decide the matter preferably within a period of three months from the date of the receipt of this order.*

The instant petition, with the consent of both the learned counsel, is disposed of in the above terms alongwith the listed application.

JUDGE