

IN THE HIGH COURT OF SINDH AT KARACHI

H.C.A. No.243 of 2017

Muhammad Faisal.....vs.....Syed Aamir Abbas Fazil & others

Date

Order with signature of Judge

**Present:**

**Mr. Justice Aqeel Ahmed Abbasi**

**Justice Mrs. Kausar Sultana Hussain**

1.For hearing of main case.

2.For hearing of CMA No.1559/2017

**06-09-2022**

Mr.Muhammad Vawda, Advocate for the Appellant.

Syed Ehsan Raza, Advocate for Respondent No.7

Mr.Abdul Jalil Zubedi, A.A.G.

Mr.Jawed Sangi, Advocate for K.D.A.

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**ORDER**

After arguing the matter at some length, learned counsel for the appellant submits that appellant will be satisfied and not press instant High Court Appeal if the total amount of earnest money deposited by the appellant with the Nazir of this Court, which is lying invested may be directed to be given to the appellant along with profit thereon.

2. Learned counsel for the respondent No.7 does not oppose disposal of instant High Court Appeal in the above terms, however, submits that the no objection for refund of the entire amount of earnest money i.e. Rs.25,00,000/-

to the appellant is subject condition that appellant will have no right or claim whatsoever on the subject property, and will have no bearing on the merits of the case or the legality of the impugned order, which otherwise, does not suffer from any factual error or legal infirmity.

3. Accordingly, by consent, instant High Court Appeal stands disposed off in the above terms. The respondent shall refund the 50% of the earnest money i.e. Rs.25,00,000/- to the appellant, whereas, the Nazir shall also refund the remaining 50% of such amount i.e. Rs.25,00,000/- along with profit thereon, within 04 weeks from the date of this order, and thereafter, the appellant will have no claim, right, whatsoever and will not seek specific performance of the agreement in respect of the subject property.

4. Instant High Court Appeal, along with pending application stands disposed of in the above terms.

Judge

Judge