

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**CP No. D-2048 of 2023**

(Shoaib Rashid & Others v. Karachi Development Authority & Others)

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<b>DATE:</b>	<b>ORDER WITH SIGNATURE(s) OF JUDGE(s)</b>
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1. For Orders on CMA No. 5891 / 2025 (Stay App)
2. For Hearing of CMA No. 5890 / 2025 (Contempt App)

**14-4-2025**

Mr. Rana M. Arshad, Advocate for Petitioners  
Mr. Khursheed Javed, Advocate for KDA  
Mr. M. Ahmed Hussain, Advocate for Respondent No.6  
Mr. Pervaiz Akhtar Mastoi, AAG, Sindh

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1. **Sana Akram Minhas J:** This Petition, which was filed primarily to safeguard the use of the Subject Plot – an amenity plot designated for a nursery – for that purpose only, was disposed of by order dated 21.12.2023, which *inter alia* directed as follows:

... .. Counsel for respondent No.6 states that the rooms, boundary wall and wash room were being used by the staff deputed at the nursery to take care of it. On behalf of respondent No.6, he undertakes that no such construction and/or gate shall be/made fixed on the subject plot. ... ..

Counsel for KDA points out that the subject plot was originally allotted to respondent No.4 for a nursery, however, vide letter dated 25.08.2022 his allotment was cancelled and he was directed to hand over the possession of the plot to KDA. In case the allotment of the subject plot was illegal, KDA will be at liberty to adopt procedure for resuming the subject plot in accordance with law. The petition and listed application stand disposed of in the above terms with no order as to costs.

2. The Petitioners have now filed the listed contempt application (CMA No.5890/2025 under Order 39 Rule 2(3) read with Sections 94 & 151 CPC) against the following individuals/entities (alleged Contemnors):

- i) Farooq (Respondent No.4)
- ii) Madarast-ul-Madina Pakistan Trust (Respondent No.6)
- iii) Asif Raza Chandio (Director Land, KDA)

3. Upon being questioned, learned Counsel for Petitioners submitted that the contempt application was filed in light of an alleged violation of the (above quoted) undertaking previously given by the Counsel for Respondent No.6 (Trust). However, when further queried as to how the contempt application could be maintained against alleged Contemnors No.1 (Respondent No.4)

and 3 (Director Land, KDA), in the absence of any undertaking or commitment made by or on behalf of either of them, the Petitioners' Counsel had no satisfactory explanation to offer.

4. The mere inclusion of the names of the Respondent No.4 (alleged Contemnor No.1) or the Director Land, KDA (alleged Contemnor No.3) in the application, without a specific basis linking them to the breach of the Court's order or undertaking, does not satisfy the threshold required for initiating contempt. We therefore hold that, in the absence of any direction or specific undertaking attributable to them, the contempt application, insofar as it seeks action against them, is legally untenable and not maintainable.
5. As regards alleged Contemnor No. 2 (Respondent No.6), i.e., Madarast-ul-Madina Pakistan Trust, on whose behalf the aforementioned undertaking was submitted, the Petitioners' Counsel was confronted with the legal position that contempt proceedings cannot be maintained against a juristic entity *per se*, and that a natural person – specifically an identifiable office-bearer, employee, or agent of Respondent No.6 Trust, who is responsible for the alleged act of non-compliance – must be named as the individual liable for the alleged contempt. Despite this, the Counsel remained adamant that the Trust itself was liable for the violation.
6. Considering that contempt proceedings require the identification of a natural person who can be held accountable for willful disobedience, and no such individual has been named in the present application with regards to the Respondent No.6 (Trust), the contempt plea, as presently framed, is misconceived, defective and not maintainable in its current form. Accordingly, the contempt application, against the Respondent No.6 (Trust), is **dismissed**.
7. **CMA No.5891/2025**: Insofar as this stay application is concerned, since the main Petition has already been finally disposed of by order dated 21.12.2023, no occasion therefore arises for the grant of any interim relief. Hence, this application too is **dismissed**.

**JUDGE**

**JUDGE**