

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.1758 of 2016

DATE ORDER WITH SIGNATURES OF JUDGE(S)

For hearing of CMA No.11203/2016.

18.10.2016

Mr. Umer Lakhani, Advocate for the plaintiff.
Mr. Anwar Ali Shah, Advocate on behalf of defendant No.1.
Mr. Shahid Nabi Malik, defendant No.2 present in person.

Learned counsel for the plaintiff submits that the building constructed by defendant No.2 when put into commercial operation, will attract traffic, which would cause hindrance and jam flow of traffic on the 40 feet wide service road of Malir Bund Expressway between Defence Regency and Express Channel Building connecting Korangi Road. Incidentally, both the plaintiff, as well as, defendant No.2 have commercial buildings, which are facing the said service road.

The fear as raised earlier is that, once the building constructed by the defendant No.2 will be in operation, as there are shops, which are exposed to the said service road, there would be traffic jams in front of those shops, as shoppers will stop or park their vehicles in front of their shops.

It appears that when this matter was proceeding before the apex Court an undertaking was filed by the defendant No.2, which is reproduced on Page No.637, where he undertook that no cars would be parked in front of the shops constructed in the commercial/residential complex of the defendant No.2, which are exposed to the said service road.

Not only in the above case, even if there are any cars or other vehicles including motorcycles, which are parked in front of the office building of the plaintiff, similar would be the fate.

Parties hereby undertook that they will not use the said service road for parking of any of their customers, residents or workers' vehicles including motorcycles, or create any obstruction in front of their buildings creating any hurdles in the smooth flow of the traffic on the said service road and they will deploy appropriate vigilance staff assigned the task of not letting any other public or private transport to stop or parked in front of their respective buildings.

The parties counsel further agree that the instant suit may be disposed of in terms of the above. Accordingly, the suit is disposed of in above terms.

JUDGE

Barkat Ali/PA