

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
H.C.A. No.335 of 2017

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Date	Order with signature of Judges
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Hearing of Case

1. For orders on office objection/reply as at 'A'.
2. For hearing of main case.
3. For hearing of CMA No.2728/2017

**01.03.2018**

Mr. Khalid Mehmood Siddiqui, advocate for the appellant.

Respondent No.1 present in person.  
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Instant High Court Appeal arises from the impugned order dated 10.08.2017, passed by the learned Single Judge in Suit No.58/2016 during the course of hearing of CMA No.15902/2016 (Contempt), whereby learned Single Judge has been pleased to order for issuance ofailable warrants in the sum of Rs.50,000/- to secure attendance of Acting Managing Director of PIAC on 24.08.2017 to be served through relevant Police Station.

2. Learned counsel for the appellant at the very outset submits that impugned order has been passed by the learned Single Judge in a suit filed by the respondent No.2 for recovery of damages in the sum of Rs.20 Million and permanent injunction, which was finally decided vide order dated 08.08.2016, whereby, the complaint was rejected, whereas, the appellant was not a party in the aforesaid suit. However, respondent No.1 filed a contempt application being CMA No.15902/2016 in a disposed of suit against some alleged contemnors, wherein the appellant was not arrayed as one of the alleged contemnor in such application.

3. Notice to alleged contemnors was issued on 15.06.2017 with the direction to appear in person on 22.06.2017. On 20.07.2017, when the counsel for the appellant was not in attendance. On the basis of false allegations and misrepresentation of fact by the respondent No.1, it was observed by the learned Single Judge that in case of non-compliance of order dated 22.06.2017, the Managing Director of PIAC shall be present in Court and the matter was adjourned to 25.07.2017, when statement was filed on behalf of PIAC stating therein that order dated 22.06.2017 has been duly complied with. However, respondent No.1 filed some statement under Section 151 CPC along with

annexures and alleged that she is being harassed by the PIA Management and the order has not been complied with. Per learned counsel, on such allegations of respondent No.1, the Hon'ble Learned Single Judge was pleased to issue Show Cause Notice to Managing Director, PIAC, as to why warrants should not be issued for seeking his attendance in Court. Per learned counsel, on 10.08.2017, a statement was filed on behalf of appellant along with salary sheet of respondent No.1 from 01.05.2016 to 01.03.2017 to show that order passed by the learned Single Judge on 22.06.2017 has been complied with, whereas, it was further intimated to the learned Single Judge that respondent No.1 is in the habit of filing false and frivolous cases and complaints against PIAC Management most of which have been dismissed by this Court as well as Inquiry Committee of PIAC, whereas, it was further argued that neither PIAC nor the appellant is a party to the suit or even in the contempt application filed on behalf of respondent No.1, therefore, the allegations of respondent No.1 cannot be examined on such application, however, the learned Single Judge have been pleased to order for issuance of Bailable Warrants in the sum of Rs.50,000/- against the Acting Managing Director of PIAC and such order has been assailed through instant High Court Appeal. Per learned counsel, the impugned order has been passed in violation of law and on the basis of false and frivolous allegations by the respondent No.1, therefore, same is liable to be set-aside. Per learned counsel, as per his information the alleged contemnor has already filed objections to the contempt application, whereas, Court's orders have been duly complied with, therefore, requests that while setting-aside the impugned order, the learned Single Judge may be directed to finally decide the contempt application, which on the face of it, misconceived and not maintainable as the suit is finally disposed of.

4. Conversely, the respondent No.1 present in person has contended that the directions issued by the learned Single Judge while dismissing the suit of respondent No.2 has not complied with, therefore, contempt application has been filed. It has been further contended by respondent No.1 that PIAC and its management is continuously causing harassment and has initiated departmental proceedings, who may be restrained from causing harassment or to take any adverse action against him.

5. We have heard the learned counsel for the applicant and respondent No.1 and have also perused the record by summoning the file of Suit No.58/2016, particularly, various case diaries and the orders passed by the learned Single Judge in the aforesaid suit, which shows the facts as stated by the learned counsel for the appellant are correct. The suit filed by respondent No.2 against respondent No.1 for recovery of damages was finally disposed of by the learned Single Judge vide order dated 08.08.2016, whereby, plaint was rejected under Order VII Rule 11 CPC, whereafter, the contempt application has been filed on behalf of the respondent for alleged violation of Court's order against alleged contemnor, whereas, the appellant was neither a party in the Suit nor has been arrayed as alleged contemnor in the contempt application filed on behalf of respondent No.1. We see no reason as to why under aforesaid facts and circumstances of the case, the necessity of personal appearance of Managing Director/Acting Managing Director of PIAC was filled by the learned Single Judge, who has eventually passed the impugned order dated 10.08.2017 for issuance of bailable warrants in the sum of Rs.50,000/- to secure his personal appearance in Court without deciding the fate of contempt application and the role of the appellant therein. In view of hereinabove facts and circumstances of the case the impugned order dated 10.08.2017 is hereby set-aside to the extent of issuance of bailable warrants in the sum of Rs.50,000/- for the Acting Managing Director, PIAC, and would direct the appellant and the respondents to appear before the learned Single Judge on 15.03.2018 for final disposal of CMA No.15902/2016. It is expected that the learned Single Judge may decide the aforesaid application after hearing all concerned, preferably, within a period of four weeks from the date of hearing the aforesaid application.

Instant High Court Appeal stands allowed in the aforesaid terms.

**JUDGE**

**JUDGE**