

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 2344 of 2017

Suit No. 2148 of 2017

Order with signature of Judge(s)

30.08.2018

Mr. Zohaib Sarki, Advocate holds brief for Khawaja Shamsul Islam,
Advocate for the Plaintiff in Suit No.2344 of 2017

Mr. Mushtaq A. Memon, Advocate for Defendant Nos.4 and 5
in Suit No.2148 of 2017

Mr. Abdullah Munshi, Advocate for Defendant No.3 and for Defendant
Nos.6, 7 and 8 in Suit 2148 of 2017

Mr. Ayan Mustafa Memon, Advocate for Defendant Nos.1, 2 and 4 and
for Plaintiff in Suit No.2148 of 2017

Mr. Parvez Ahmed Memon, AAG

Mr. Mehmood Khan Yousfi, Advocate for KDA

Learned counsel for Defendant Nos.1, 2 and 4 submits that this Court's order dated 09.08.2018 has been appealed particularly for the reasons that the order envisaged handing over possession of the books to the Nazir of this Court. When he was informed that neither that was the intention of the Court, nor a plain reading of the entire order suggests so, he requested that if a clarification is made in this regard he would not press the appeal as long as possession of the books on the premises is not disturbed. He in particular draws Court's attention to orders dated 20.07.2017, 07.08.2017 and 11.04.2018 reflecting various attempts made in making inventory of the books present in the premises, which eventually was addressed through the last order of this Court. In the light of foregoing, it is clarified that the exercise of making inventory of the books present at F/1-C, Block-8, Kehkeshan, KDA Scheme No.5, Clifton, Karachi as envisaged by the order dated 09.08.2018 to be conducted by the Librarian of this Court at the cost of Rs.150,000/- and the same would be done in a manner that physical possession of the books is not removed from the premises and the said inventory be made strictly in accordance with earlier orders of this Court referred hereinabove. All the counsel present concede that they will provide full support for this exercise and ensure the same to be completed without any

further delay. Mr. Zohaib Sarki, Advocate states that the cost of Rs.50,000/- has already been paid by the Plaintiff. Court has also informed that the earlier order with regards the payment of cost is not clear. Let it also be clarified that the Plaintiff and defendants jointly shall share cost at 50/50. Plaintiff to deposit remaining sums of Rs.25,000/, whereas balance of Rs.75,000/- be paid by the defendants.

Interim orders passed earlier in both suits to continue till the next date of hearing.

JUDGE

Barkat Ali, PA