

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P.No.D-1632 of 2011

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of MA-9437/15

21.10.2019.

Mr. Mazhar Ali Laghari, advocate for petitioner.
Mr. Muhammad Ismail Bhutto, Additional Advocate General.
Mr. Tufail Qureshi, advocate for respondent No.4
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The facts in brief necessary for disposal of listed application are that the petitioner filed a petition before this Court for direction against the respondents to allot him plot at New Town Co-operative Housing Society Hyderabad being its member. It was disposed of by this Court on 07.08.2014 with the following observation;

“On query learned counsel for the petitioner states that he would be satisfied and shall not press this petition if the respondent No.4 be directed to furnish the list of members as well as list of plots to him within two months.”

The direction contained in the above said order as per petitioner has not been complied with by the Secretary New Town Co-operative Housing Society Hyderabad, therefore, according to petitioner the Secretary New Town Co-operative Housing Society Hyderabad is liable to be prosecuted by this Court accordingly.

The alleged contemnor in his statement has stated that no record was provided to him and no plot was allotted to anyone during his tenure as a Secretary of the society and at present charge of the society is being held by an Administrator.

It is contended by learned counsel for the petitioner that the contemnor is liable to be prosecuted for having failed to comply with lawful order of this Court on account of his failure to supply the list of members and plots of the society to the petitioner within stipulated time.

Learned A.A.G and learned counsel for the alleged contemnor have sought for dismissal of the listed application by contending that the alleged contemnor was not heard by this Court at the time when this petition was disposed of and even otherwise, no list of members or plots of the society is available with the alleged contemnor, which could be provided by him to the petitioner.

We have considered the above arguments and perused the record.

The very petition was disposed of by this Court as not pressed and there is nothing in order of this Court, which may suggest that the alleged contemnor extended his consent for providing the list of members and the plots of the society to the petitioner, within two months. Indeed the disposal of the very petition was sought for by the petitioner, in absence of the alleged contemnor. In that situation, initiating the contempt proceedings against the alleged

contemnor would be unjustified. Consequently, the listed application being misconceived is dismissed accordingly.

JUDGE

JUDGE

Ahmed/Pa,