

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P.No.D-163 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For orders on MA-2585/16
3. For orders on MA-2586/16
4. For hearing of main case.

17.12.2019.

Mr. Muhammad Arshad S. Pathan, advocate for petitioners.

Mr. Nazeer Ahmed Bhatti, advocate for respondents No.2&3

Mr. Muhammad Ismail Bhutto, A.A.G.

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The facts in brief necessary for disposal of the instant petition are that a Succession Application was filed by the private respondents to collect pensionary benefits of late Manzoor Ahmed, which was allowed by learned 3rd Additional District Judge, Shaheed Benazirabad vide his order dated 31.08.2013, yet the private respondents could not get the pensionary benefits, therefore they by way of making an application sought for prosecution of the Executive Engineer Construction HESCO Nawabshah (Shaheed Benazirabad) for having disobeyed the lawful order of learned Court. It was in these circumstances, the petitioners have challenged those contempt proceedings to be declared illegal by way of instant constitutional petition.

It is contended by learned counsel for the petitioners that they are being dragged in Contempt Proceeding by the private respondents without lawful justification; otherwise, they are prepared to finalize the pension case of late Manzoor Ahmed.

Learned A.A.G and learned counsel for the private respondents sought for dismissal of the instant petition by contending that the petitioners are willfully disobeying the lawful order of learned trial Court by delaying the disposal of pension case of late Manzoor Ahmed.

We have considered the above arguments and perused the record.

No action is taken against the petitioners by learned trial Court, they have simply been put on notice on application for their prosecution, which is filed by the private respondents. If the petitioners are having a feeling that they have not disobeyed the order of learned trial Court, then they can put up such defence before learned trial Court, same if is put up would be taken into consideration by learned trial Court, in accordance with law. No case for termination of contempt proceedings is made out, consequently, the instant petition is dismissed along with pending applications.

JUDGE

JUDGE

Ahmed/Pa,