

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

C. P. No. D – 2963 of 2019

<i>Date</i>	<i>Order with signature of Judge</i>
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Present:

**Mr. Justice Aqeel Ahmed Abbasi
Mr. Justice Zulfiqar Ahmed Khan.**

Directions

For hearing of Misc. No. 23429/2020

07.10.2021:

Mr. Ali Asghar Buriro, advocate for petitioner.
Mr. Karam Chand Kingrani, advocate for respondent
No.10.
Mr. Khurram Ghayas, advocate for SBCA.
Mr. Jawwad Dero, Additional A.G. Sindh.

ORDER

Listed application has been filed after final disposal of instant petition by consent of parties vide order dated 01.09.2020 by respondent No.10 under Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973, for alleged violation of Court's order as referred to hereinabove by the alleged contemnors. Learned counsel for respondent No.10 has submitted that instant petition was disposed of vide order dated 01.09.2020, whereby, official respondents were directed to remove the encroachments in accordance with law within three weeks from the date of the order, however, while removing such encroachment the alleged contemnors have also handed over the possession of the subject land (33 feet alongwith boundary) in violation of the Court's order, as according to learned counsel, no order has been passed by this Court directing the respondents to hand over the possession of such land to the petitioners.

Learned counsel for respondents as well as learned Additional A.G. Sindh and counsel for SBCA (alleged contemnors) have vehemently denied such allegations and submitted that the order passed by this Court has duly been complied with in letter and spirit, whereas, in the instant petition, petitioner did not only pray for removal of encroachment but also to direct the respondents to hand over the possession of the subject land (33

feet along with boundary) to the petitioner, therefore, the necessary consequence of such removal of encroachment was to handover its possession to the petitioner as prayed, whereas, there is no other claimant of such land except petitioner. It has been further contended by the learned counsel that respondent No.10 has reportedly filed CPLA before the Hon'ble Supreme Court against the above consent order, however, could not obtain any restraining order as per their knowledge. It has been further submitted that the order dated 01.09.2020 passed by consent of the parties in the instant petition stands complied with, however, respondent No.10 in the garb of this frivolous contempt application intends to drag the parties in these proceedings to linger on a controversy which stands finally decided by this Court. According to learned counsel, instant contempt application is liable to be dismissed with cost.

We have heard the learned counsel for the parties as well as learned Addl. A.G. Sindh and have also perused the order dated 01.09.2020, which shows that by consent of parties, above petition was disposed of along with pending applications with directions to the official respondents (SBCA) to remove the encroachment from subject land. According to all the parties, such encroachments have been removed and possession is restored to petitioners as per their prayer in the petition. In view of hereinabove facts and circumstances of the case, prima-facie, no case of alleged contempt of Court's order dated 1.9.2020 is made out, particularly, when Court has not passed any restraining order with regard to handing over or restoring possession to the petitioner. We do not find and substance in the listed contempt application, which is accordingly dismissed.

J U D G E

J U D G E

A.S/Nadeem

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

High Court Appeal No. 94 of 2010

Date	Order with signature of Judge
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Hearing / Priority

1. For hearing of CMA No. 1651/2010.
2. For hearing of Main Case
3. For hearing of Misc. No. 738/2010

07.10.2021:

Mr. Saad Siddiqui, advocate for the respondents.

Malik Muhammad Aijaz, advocate holding brief for Mr. Aitzaz Ahsan, advocate for the appellants, who is reportedly unwell and requests for adjournment.

Learned counsel for respondents does not oppose such request, however, submits that instant High Court Appeal is pending since 2010 without any useful progress, whereas, stay is operating in the matter, therefore, requests for a fix date, so that the instant matter may be finally heard and disposed of on the next date of hearing and in case Mr. Aitzaz Ahsan is not in a position to proceed with the matter, some alternate arrangement shall be made.

As an indulgence, we are adjourning instant High Court for 25.11.2021, however, with a caution that if nobody appears on the next date of hearing on behalf of the appellants, instant High Court Appeal may be dismissed for non-prosecution. It is further observed that if Mr. Aitzaz Ahsan Advocate, the learned counsel for appellants is not be in a position to proceed with the case then some associate of Mr. Aitzaz Ahsan shall proceed with the matter or some alternate arrangement shall be made before the next date of hearing.

J U D G E

J U D G E

A.S.

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

High Court Appeal No. 65 of 2014

Date	Order with signature of Judge
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Hearing / Priority

1. For hearing of CMA No. 1935/2017.
2. For hearing of CMA No. 1936/2017.
3. For hearing of CMA No. 1767/2017.
4. For hearing of CMA No. 2959/2016.
5. For hearing of CMA No. 1629/2016.
6. For hearing of Main Case
3. For hearing of Misc. No. 699/2014.

07.10.2021:

Appellant present in person.

Mr. Ansar Mukhtar, advocate for the respondent No.3.

The appellant present in person, submits that his counsel is not in attendance and has been granted general adjournment.

Learned counsel for respondent No.3 submits that the appellant is not proceeding with the matter, which is pending since 2014, whereas, unnecessary adjournments are being sought. It has been further submitted that instant matter was partly heard, therefore, no adjournment may be allowed and the same may be heard today.

Instant High Court Appeal was partly heard on 17.09.2021 by a bench comprising of Mr. Justice Aqeel Ahmed Abbas and Justice Mrs. Kausar Sultana Hussain, however, today, Justice Mrs. Kausar Sultana Hussain is not available, whereas, this bench is only for today, therefore, this being a part heard matter cannot otherwise be heard by this bench, more particularly when the appellant has not concluded the arguments.

Since the learned counsel for respondent No.3 seeks urgency. Let the matter be fixed on **19.10.2021**, however, with caution that if, learned counsel for the appellant will not proceed with the matter or some alternate arrangement is not made on the next date, instant High Court Appeal may be dismissed for non-prosecution.

If the same bench is not available on the next date, this matter may not be treated as part-heard and may be fixed as per roster to avoid further delay.

J U D G E

J U D G E

A.S.