

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**High Court Appeal No.196 of 2022**

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
------	-----------------------------------

Fresh Case.

1. For order on CMA No.1799/2022 (urgent).
2. For order on office objection a/w reply as at "A".
3. For order on CMA No.1800/2022 (Exemption).
4. For hearing of main case.
5. For order on CMA No.1801/2022 (stay).

.....

**Dated 14.06.2022**

Mr. Umair Bachani, Advocate for the Appellant.

.....

1. Urgency granted.
- 2-5. This High Court Appeal is arising out of an exparte ad-interim order passed on 01.06.2022 whereby the appellant being defendant in the suit was restrained from registering, transferring, executing, selling, raising construction, receiving sale proceeds, monies and installments of the suit property. Apart from this restraining order, learned single Judge has also passed an order appointing the Nazir to inspect the suit property to ascertain the stage of construction. Learned counsel is aggrieved of both the restraining orders in the sense that in the prayer clause of the suit respondent No.1 being plaintiff in the suit himself is asking for the performance of agreement which essentially means the construction, whereas, by virtue of this exparte ad-interim order the appellant was denied to continue with such construction, hence, the interim order obtained by respondent No.1 after assisting the Court is contrary to the pleadings and prayer itself, as alleged.

I have heard learned counsel for the Appellant.

Since it is only an ad-interim exparte order, it is expected that the counsel/appellant also shall assist the learned single Judge by

moving appropriate application alongwith counter affidavit to the applications on which the interim order was passed and shall make efforts and attempts for the hearing and disposal of the injunction applications at the earliest. It is further expected that the injunction applications shall be heard and decided on the basis of pleadings of the parties i.e counter affidavit and rejoinder, if any, at the earliest.

No case however is made out for any interference in the impugned order being exparte ad-interim. Unless the rights are conclusively decided by the interim order or there is imminent danger arises out of exparte interim order and the property is likely to be wasted, interference at this stage, when application itself is yet to be heard and decided finally, should be avoided.

With the above observations the instant Appeal is disposed of accordingly along with pending applications.

JUDGE

JUDGE

Ayaz Gul