

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
J.M No. 62 of 2017

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on CMA No. 7729/2019. (U/R 110 SCCR)
2. For orders on CMA No. 7730/2019. (U/S 151 CPC)

20.05.2019.

Mr. Asif Shahzad holding brief for Muhammad Asif Malik, Advocate.
Ms. Rizwana Ismail, Advocate for Respondents.

1. Granted.
2. This is an application on behalf of Respondents No. 1,2 & 3, seeking a restraining order against the Applicant/Intervenor from creating hurdles in fixation of Fiber Glass Shed on the subject land. It appears that this J.M was disposed of vide Order dated 23.11.2017 on the basis of consent and agreement between the parties. However, it is the case of the Respondents that time and again the Applicants are creating hurdles and interfering in the property of the Respondents. On 24.12.2018, a similar type of application (CMA 18210/2018) was filed in respect of construction of an underground water reservoir tank for plants' and animals' life at the property in question and an order was passed restraining the applicants from interfering in the process of construction of the said tank.

It is a matter of record that Applicant is neither the Land owner, nor a regulatory authority or otherwise, in respect of the property in question. In fact the Applicant had filed this J.M. against certain orders of this Court passed in Suit No.1095/2013 of respondents, whereby, permission was given under the supervision of the Nazir of this Court to do certain acts, including raising of a wall with barbed wires on the Suit property. Thereafter this J.M has been disposed of with consent, whereas, the Suit of the Respondents also stand decreed in their favor. Hence, there is no occasion for the Applicant to interfere in the enjoyment of the property of the Respondents. In view of such position, CMA No.7730/2019 and CMA No. 18210/2018 are allowed, and the Applicant is restrained from interfering, creating hurdles and causing any harassment in respect of installation of Fiber Glass Shed as well as construction of underground water reservoir tank.

J U D G E

Ayaz P.S.