

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI**High Court Appeal No.246 of 2021**

Date	Order with signature of Judge
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Fresh case

1. For orders on CMA No.2171/2021
2. For orders on office objection a/w reply as at "A".
3. For orders on CMA No.2172/2021.
4. For hearing of main case.
5. For orders on CMA No.2173/2021.

19.11.2021:

Mr. Shahan Karimi, advocate for the appellant.

1. Granted.
- 2-5. Instant appeal has been filed against an order dated 29.10.2021 passed in Execution No.15 of 2007, whereby, according to the learned counsel for appellant, the learned Single Judge has been pleased to restore the execution which was dismissed for non-prosecution, and has been further pleased to direct the Head of the Credit Administrative Department or Chief Executive Officer to be present in person along with relevant file. Learned counsel for the appellant submits that time barred request for restoration of execution has been allowed, whereas, there is serious objection with regard to maintainability of the execution proceeding itself, as there is no judgment and decree in favour of respondent, who has admittedly expired. However, on the basis of the application filed by purported decree holders in connected Execution Nos.19 & 17 of 2007 by two separate decree holders before the learned Single Judge the impugned order has been passed without hearing the appellant. It has been prayed by the learned counsel for the appellant that impugned order may be set-aside after notice to respondents, and in the meanwhile, operation of the impugned order may be suspended.

From perusal of impugned order, it appears that the execution dismissed on account of non-prosecution has been restored by the learned Single Judge, after notice upon application(s) seeking restoration, wherein, appellant seems to have not filed objections however, no final order has been passed on such execution application, whereas, directions have been issued to Head of the Credit Administrative Department or Chief Executive

Officer of UBL to be present in Court along with record. The appellant has serious objection with regard to maintainability of execution proceedings, which can still be agitated before the learned Single Judge, who may pass appropriate order after hearing the parties. There is no final adverse order passed against the appellant, which may give rise to any cause of action to the appellant to file instant appeal as the matter is pending before the learned Single Judge to be decided in accordance with law.

While confronted as to maintainability of instant appeal, learned counsel for the appellant submits that though the order of restoration of the execution has been passed on time barred application, without hearing the appellant, however, learned counsel submits that appellant will be satisfied and not press instant High Court Appeal, provided the learned Single Judge may be directed to decide the issue of maintainability the Execution first, whereas, personal appearance of Head of the Credit Administrative Department or Chief Executive Officer, UBL may be dispensed with.

Accordingly, instant High Court Appeal is disposed of with the directions to the learned counsel for appellant to raise all such objections, including the objection relating to maintainability of the execution proceeding, who may pass appropriate order after hearing the learned counsel for the parties in accordance with law. Whereas, learned counsel for the appellant may also make a request before the learned Single Judge for seeking exemption from personal appearance of Head of the Credit Administrative Department or Chief Executive Officer, UBL, which may also be considered in accordance with law.

Instant High Court Appeal stands disposed of in the above terms along with listed applications.

J U D G E

J U D G E

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI**High Court Appeal No.39 of 2016**

Date	Order with signature of Judge
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17.11.2021:

Mr. Muhammad Jamil Raza Zaidi, advocate for the appellants

Mr. Muhammad Khalid Daudpota, advocate for respondent No.2.

Partly heard. For further arguments, adjourned to 16.12.2021 to be taken up at 11.00 a.m. In the meanwhile, learned counsel for the parties may submit written synopses along with case law and exchange the same in advance.

J U D G E

J U D G E

Nadeem

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
High Court Appeal Nos. 419 & 420 of 2017

Date	Order with signature of Judge
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17.11.2021:

Mr. Obaid-ur-Rahman, holding brief for Syed
Shayan Ahmed, advocate for the appellants.
Mr. Ovais Farooqi, advocate for the respondent.
Ms. Leela Kalpana, Addl. A.G. Sindh

Learned counsel for the appellants is reportedly unwell and
request for adjournment has been made on his behalf.

Adjourned for a date to be fixed by the office.

J U D G E

J U D G E

Nadeem

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI**Const. Petition No.D-5705 of 2017**

Date	Order with signature of Judge
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Priority

1. For orders on CMA No.6878/2021 (U/S 151)
2. For orders on office objection.
3. For hearing of CMA No.23752/2017.
4. For hearing of main case.

17.11.2021:

Petitioner Bashir Ahmed present in person.
 Mr. Ishtiaq A. Memon, advocate for respondents
 No.13 to 16.
 Ms. Leela Kalpana, Addl. A.G. Sindh.
 Mr. Mukhtiar Ahmed Junejo, Asstt. Attorney General

Petitioner present in person submits that his counsel could not reach the Court on account of some personal exigency, however, he has drawn attention of this Court to CMA No.6878/2021 filed under Section 151 CPC fixed for orders and prays that notice on instant application may be issued. Let notice of instant application (CMA No.6878/2021) be issued to all concerned.

Learned counsel for the respondents No.13 to 16, learned Addl. A. G. Sindh and learned Asstt. Attorney General present in Court, waive notice of listed application, claim copy and request for time to file comments. Let the same shall be filed before the next date of hearing with advance copy to the learned counsel for petitioner.

To come up after four weeks.

J U D G E

J U D G E

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI**1st Appeal No. 16 of 2020**

Date	Order with signature of Judge
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Hearing (Priority) Case

1. For orders on office objection/reply as at 'A'.
2. For hearing of main case.
3. For hearing of CMA No.527/2020.

29.09.2021:

Mr. Jahangir Ali Khan, Advocate for the appellant.

Learned counsel for the appellant files a statement dated 29.09.2021 duly signed by the Attorney of the Appellant as well as the learned counsel, wherein, it has been stated that the appellant wants to withdraw instant appeal as the matter has been compromised between the parties and the respondents have withdrawn Execution No.04/2019 pending before XIth Additional District Judge, East at Karachi, statement is taken on record.

Since no one is in attendance on behalf of the respondents to verify such statement of the appellant's counsel, we under the circumstances would dismiss instant appeal as withdrawn along with listed application.

J U D G E**J U D G E**Nadeem