

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
High Court Appeal No. 168 of 2021

Date	Order with signature of Judges
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Fresh Case.

1. For orders on office objection a/w reply as at 'A'.
2. For orders on C.M.A. No.1776/2021 (Exemp. App.)
3. For hearing of main case.
4. For orders on C.M.A. No.1777/2021 (Stay)

24-12-2021

Mr. Obaid-ur-Rehman Khan, advocate for the appellants.

1. To be complied with before the next date of hearing.
2. Granted subject to all just exceptions.
- 3-4. Learned counsel for the appellants after arguing the matter at some length while confronted to point out any error or perversity in the impugned order passed by the learned Single Judge in Suit Nos.1976 of 2021 & 643 of 2021 during the course of hearing. As prima-facie, the impugned order does not give rise any cause of action to be agitated by filing instant High Court Appeal, learned counsel for the appellants has candidly submitted that though the matter is still pending before the learned Single Judge in the shape of various applications to be decided after hearing the parties in accordance with law, whereas, the appellants have an opportunity to seek recalling or modification of the order passed by the learned Single Judge in the above Suits, however, submits that since the respondents have not even filed a reply/objections to CMA No.12550/2021 filed under Order XXXIX Rule 1 & 2 CPC and are not coming forward to proceed with the matter. Learned counsel for the appellants however submits that appellants will not press instant High Court Appeal provided that the learned Single Judge may be directed to decide the pending application(s) in the aforesaid Suits including the above injunction application and may pass appropriate order after hearing the parties at an early date in accordance with law so that appellant may not cause any loss, who is builder and developers.

Accordingly, instant High Court Appeal is disposed of with the direction to the appellants to appear before the learned Single Judge by filing urgent application soon-after winter holidays, whereas, it is expected that learned Single Judge may pass an appropriate order on pending application(s) including injunction application after providing opportunity of being heard to the learned counsel for the parties at an early date, preferably, within a period of 15 days from the date of filing urgent application.

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

Nadeem