

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
High Court Appeal No.317 of 2021

Date	Order with signature of Judges
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Fresh Case.

1. For orders on C.M.A. No.2546/2021 (U/A).
2. For hearing of main case.

24-12-2021

Mr. W. R. Shaikh, advocate for the appellants along with
Ms.Afshan Rani, advocate.

1. Granted.
2. Through instant High Court Appeal, the appellants have impugned the order dated 23.11.2021 passed on an application filed under Order VII Rule 11 CPC being CMA No.8192/2019 in Suit No.1008/2020, whereby, according to learned counsel for the appellants, without providing opportunity of being heard to the appellants such application has been dismissed without recording reasons, whereas, an order has been passed on an injunction application being CMA No.4238/2019 filed by the respondent, restraining the appellants from alienating the subject property. Per learned counsel, no valid reasons has been given in the impugned order, therefore, requests that the impugned order may be set-aside.

Mr. Farrukh Zia Shaikh, Advocate, shown appearance, waives notice, claims copy, undertakes to file his vakalatnama on behalf of the respondents and requests for time to file reply/objection, however, learned counsel for the respondents submits that if the order passed by the learned Single Judge on the stay application is maintained to the extent of disposal of CMA No.8192/19 may be set-aside and the matter may be remanded back to the learned Single Judge to decide the fate of the aforesaid application after hearing the learned counsel for the parties. Learned counsel for the appellants does not oppose disposal of instant High Court Appeal in the aforesaid terms.

Accordingly, instant High Court Appeal stands disposed of while maintaining the order passed on the injunction application, however, subject to further modification by the learned Single Judge during course

of proceeding, whereas, impugned order passed by the learned Single Judge to the extent of CMA No.8192/2019 is set-aside and the matter may be remanded back to the learned Single Judge to decide the same at an early date, preferably within a period of four weeks from the date of this order.

Instant High Court Appeal stands disposed of in the above terms.

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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.

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ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
High Court Appeal No.101 of 2021
a/w
High Court Appeal Nos.361 of 2016, 211 of 2017
& C.P.No.D-7080 of 2017

Date	Order with signature of Judges
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24-12-2021

Mr. Haq Nawaz Talpur, Deputy Attorney General for the appellant.

Mr. Akbar Sohail holding brief for Mr. Makhdoom Ali Khan, advocate for the respondent.

Ms. Madiha, advocate for respondent No.1.

Mr. Hashmatullah, advocate for the respondent in HCA No.361/2016.

Mr. Makhdoom Ali Kha, learned counsel for the respondent is reportedly on general adjournment and request for adjournment has been made on his behalf.

Adjourned.

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