

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**High Court Appeal No.48 of 2022**

<i>Date</i>	<i>Order with signature of Judge</i>
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**Disposed of Case:**

1. For orders on CMA No.693/2022 (U/S 151 CPC)
2. For hearing of CMA No.557/2022 (Stay)

**15.03.2022:**

M/s. Amel Kanshi and Farjad Ali Khan, advocates for  
the appellant.

Mirza Sarfaraz Ahmed, advocate for the respondent.  
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**2. (CMA No.557/2022)**

Instant application has been filed under Section 151 CPC on behalf of the appellant with a prayer that time period of four weeks granted by this Court vide order dated 09.02.2022 to obtain restraining order in pending CPLA may be extended as according to the appellant, inspite of best efforts the appellant could not get the CPLA fixed before the Hon'ble Supreme Court, therefore, no restraining order has been passed in favour of the appellant. Prima-facie, such request of the appellant, after final disposal of instant appeal vide consent order dated 09.02.2022 was misconceived, however, subject to maintainability, notice of instant application was issued to the respondent, who have filed their counter affidavit and vehemently opposed such request on various factual and legal grounds. According to learned counsel for the respondent, in view of the consent order passed by this Court on 09.02.2022, the appellant were already granted a grace period of four weeks to obtain any interim relief from the Hon'ble Supreme Court in their pending CPLA, therefore, any further order on the listed application, will amount to review and recalling of the aforesaid consent order, whereas, no grounds for review or modifying the order are available to the appellant in the instant case. Learned counsel for the respondent has further argued that after final disposal of instant High Court Appeal through a consent order on 09.02.2022 an application under Section 151 CPC, seeking review, alteration, modification of the order is otherwise not maintainable, hence liable to be dismissed.

Heard the learned counsel for the parties and perused the record as well as the order passed by this Court on 09.02.2022, which clearly reflects that instant High Court Appeal was finally disposed of through a consent order, whereas, four weeks' time was granted to the appellant to obtain appropriate order from the Hon'ble Supreme Court, however, it appears that appellant could not obtain any order, has prayed for extension of time. We are not inclined to grant extension of time to the appellant, as it will amount to reviewing and modifying a consent order as referred to hereinabove, particularly, when respondents have vehemently opposed such extension of time as it will amount to review/recalling/modifying a consent order. Accordingly, listed application is dismissed.

1. (CMA No.693/2022)

Instant application has been filed on behalf of the respondent with the prayer that Nazir may be directed to release the amount pursuant to order passed by this Court on 09.02.2022. Learned counsel for the appellant waives notice, claims copy of instant application and requests for time to seek instruction and to file reply/objections. Learned counsel for the respondent submits through listed application, respondent seeks implementation of a consent order passed in the instant High Court Appeal.

We are of the view that there was no need to file instant application as the order passed by this Court on 09.02.2022 is self-operative and the Nazir could have proceeded to comply with the aforesaid order after expiry of four weeks' time. Accordingly, in view of order passed on CMA No.557/2022, there seems no impediment to grant listed application which is allowed. Nazir is directed to ensure compliance of the consent order dated 09.02.2022 passed in the instant High Court Appeal.

**JUDGE**

**JUDGE**