

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH AT KARACHI**

**C.P No. D- 196 of 2023**

<b>Date</b>	<b>Order with signature of Judge</b>
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**D/O Mater.**

1. For haring of CMA No. 3032/23 (12(2) CPC)
2. For haring of CMA No. 3033/23 (U/A 199)
3. For hearing of CMA No. 762/2023.
4. For hearing of main case.

**22.02.2023.**

Mr. Nadir Khan Burdi, Advocate for Petitioner.  
Mr. Shamshad Ahmed, Advocate for SRB along with Syed Zain-ul-Abdin, Deputy Commissioner, SRB.  
Mr. Qazi Ayazuddin Qureshi, Assistant Attorney General  
Mr. Kafil Ahmed Abbasi, Additional Advocate General.

1. Pursuant to Order dated 01.02.2023 Syed Zain-ul-Abdin, Deputy Commissioner, Sindh Revenue Board is in attendance and has filed his explanation, whereas, personal affidavit has also been filed by the Counsel for Sindh Revenue Board. It is stated that due to inadvertence and with a bonafide mistake, Court was informed on 24.01.2023 that the Petitioner has approached the Appellate Tribunal and has obtained a restraining order. It appears that in view of such position, the Petition was disposed of as infructuous. After going through the explanation and the personal affidavit, the same are taken on record; whereas, the Deputy Commissioner is directed to be careful in future. In view of such position application under Section 12(2) CPC (CMA No. 3032/2023) is allowed. Order dated 24.01.2023 stands recalled and the Petition is restored to its original position prior to such date.

2 to 4. This Petition was filed by impugning the recovery proceeding initiated by the Respondent Department during the pendency of the Appeal before Commissioner (Appeals-II), Sindh Revenue Board, Karachi. Learned Counsel for the Petitioner submits that similar type of

cases have already been disposed of with directions to the Commissioner Sindh Revenue Board to the decide the pending Appeal of the Petitioner, to which the Counsel for the Respondents concede.

Accordingly, this Petition is disposed of by directing the Commissioner (Appeals-II), Sindh Revenue Board, Karachi to decide the pending Appeal preferably within 60 days from passing of this order, whereas, during such period the Respondent / Department shall not take any coercive action against the Petitioner.

Petition stands disposed of in the above terms with listed application(s).

***Judge***

***Judge***

**Ayaz**