

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

High Court Appeal No.412 of 2023

Shah-e-Karbala Trust & others
Versus
Syed Masood Hasan Jafri & others

Date	Order with signature of Judge
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1. For orders on CMA 5300/23
2. For orders on CMA 5301/23
3. For hearing of main case.
4. For orders on CMA 5302/23

Dated: 22.11.2023

Mr. Sami Ahsan for appellants.

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On receipt of notice under Order XLIII Rule 3 CPC, Mr. S. M. Yahya Advocate files his Vakalatnama on behalf of respondents No.1 and 3 to 23, which is taken on record, whereas Mr. S. Ehsan Raza Advocate is also present.

Heard Mr. Sami Ahsan Advocate.

Appellants have challenged an order of 08.11.2023 passed in a bunch of suits apparently by consent of all those who were present, that they will come up with name of proposed interim Administrator along with names of proposed managing committee available for the said interim administrator. It would be material if the interim impugned order is reproduced to understand the controversy and to sum up if the appellants could in any way be deemed aggrieved by it or otherwise:-

“Learned counsels present agree that technically on account of the last round of appellate proceeding having been withdrawn the interim orders may be considered to be not available on account of the said withdrawal, however, the proceedings as well as the exercises made therein are open for utilization by this Court if found fit and appropriate. All present also agree that they will

come up with name of proposed interim administrator along with the names of the proposed managing committee available for the said interim administrator. It is also agreed that these proceedings requiring substantial time as to the required articles/memorandums/deeds may not be taken up in the normal Court proceeding and may be kept after Court hours and even on Saturday so that the required work i.e. the deed in the matter as required may be looked into for finalization for which the proposals of all concerned who would like to participate in the same, may be considered. Accordingly, let the matter be fixed for 18th November, 2023 to be taken up at 12:00 a.m.” (Emphasis added).

It is but a consent order and apparently the parties were asked to come prepared for the appointment of an Administrator and that too could only be by consent of the parties. We do not see any reason either to interfere in the order, which adjourned the matter to 18.11.2023 for the purposes of appointment of an Administrator in agreement with the parties under litigation, nor could we feel that the appellants are aggrieved of any observations made therein.

Counsel has relied upon some orders/interim orders passed in High Court Appeal No.137 of 2022 as to the mechanism for the appointment of Administrator. The appellants have failed to assist us that such interim order/interim order could still continue after withdrawal of the referred appeal unconditionally via order dated 31.05.2023.

With these understanding, appeal merits no consideration and the same is dismissed along with listed applications.

Judge

Judge