

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

H.C.A. No.220 of 2021

Syed Anees Haider
Versus
Province of Sindh and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Hearing (priority) case

1. For orders on office objection.
2. For hearing of CMA No.2410/2021 (contempt).
3. For hearing of main case.
4. For hearing of CMA No.2135/2021 (stay).
5. For hearing of CMA No.2136/2021 (151 CPC).

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Dated 30.11.2023

Mr. Moulvi Iqbal Haider, Advocate for appellant.

Mr. Shahzad Qamar Abbas, Advocate for respondent No.3.

Mr. Abdul Jaleel Zubedi, Assistant Advocate General.

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We have heard learned counsels for the parties and perused the material available on record.

In a suit [suit No.1178/2018], which was tagged along with C.P. No.S-853/2019, the counsels were heard and an order, perhaps on injunction application at para-3, was passed. Serial No.3 in the order sheet of the trial court disclosed as CMA No.12087/202018, which in fact is not an injunction application; nonetheless, it reflects as it an injunction was passed on contempt application. After hearing the parties it was observed in the impugned order that the lis/suit will be decided on merits after leading (recording) evidence and the contempt application and application under Order XXXIX Rule and 1 and 2 were disposed off with directions to defendant No.3 to maintain status-quo. Emphasis applied.

Nothing better could have been done in a situation faced by the learned single Judge. Possession is disputed by parties. The question of treating the plot either as amenity or commercial, is to be

considered, as ordered, only after recording of evidence and only then such status to the plot will be given effect and not before. This is perhaps the spirit of the order.

With this understanding no interference as such is required and the appeal is dismissed along with pending applications.

JUDGE

JUDGE

Ayaz Gul