

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

High Court Appeal No.16 of 2015

Pakistan Steel Mills Corporation Ltd.
Versus
Province of Sindh and others

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|------|-----------------------------------|
| DATE | ORDER WITH SIGNATURE OF JUDGE(S). |
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Present:
Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Omar Sial.

Hearing (priority) case

1. For order on office objection.
2. For hearing of main case.
3. For hearing of CMA No.77/2015 (stay).

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Dated 11.01.2024

Mr. Mirza Sarfaraz Ahmed, Advocate for the Appellant.

Mr. Abdul Jaleel Zubedi, Assistant Advocate General.

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Learned counsel for the appellant submits that they have filed a suit for declaration and injunction along with injunction application bearing CMA No.11295/2014 on which interim order was passed. On the curtail day that is 15.12.2014, when the injunction application was fixed along with other applications, it was dismissed by the learned single Judge on the count that the service was not effected upon the defendants, even the Additional Registrar has not issued any process for effecting service upon the defendants including private defendant though cost was deposited. The notices, which were sent to the defendants through registered post and TCS, were also presented to the learned single Judge, however, it is claimed that without any justification the interim order was recalled just because it was an exparte interim order.

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

Admittedly the defendants/respondents of the suit and this appeal are official respondents who were and are represented by the Advocate General office except respondent No.6 whose whereabouts were not known and service was effected through several other modes. It is claimed and rightly so, that it was not a fault on their part if the Additional Registrar has not issued processes to the defendant No.6 and the injunction application pending ought to have been heard on merit.

Advocate General office has already filed their reply and for last about eight years this appeal is pending for no reason. On the first date of hearing when this appeal was presented, injunctive order was passed and is being maintained till date.

We are of the view that all pending applications in the suit, including one under Order-I Rule-10 CPC and the injunction application filed along with suit be heard and decided while the parties would maintain status-quo subject to the outcome of the injunction application pending before the learned single Judge. It is expected that all pending applications in the suit, specially one under Order-I Rule-10 CPC and the injunction application, be disposed of in about two months' time, as requested.

With this understanding the impugned order is recalled, instant High Court Appeal stands disposed of along with pending application(s).

JUDGE

JUDGE

Ayaz Gul