

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

R.A No.149 of 2019.

Date: Order with signature(s) of the Judge(s)

For Directions.

For Orders as to maintainability.

08th May, 2023.

Mr. Sardar Sher Afzal advocate for the applicant.
Mr. Ayaz Ahmed Ansari advocate for respondent No.9.

Admittedly suit for Specific Performance was filed by the present applicant was rejected by the trial court; subsequently, appeal was also dismissed and the applicant preferred Revision Application that was also decided by order dated 26.09.2019 [RA No.48/2018] with the consent of the parties. Operative para is reproduced as under: -

"In view of the above, the instant Civil Revision Application No. 48 of 2018, stands disposed of along with pending application[s]. The applicant, as mutually agreed, shall file an application under Order 1 Rule 10 CPC in Suit No. 458/20050, for becoming party in the said Suit No.458/2005, within fifteen [15] days positively. As soon as, the applicant become party in the said suit within the consent of Respondent No.7 herein, thereafter, in the said suit to proceed on merits strictly in accordance with law. The disposal of this Revision Application, as agreed, shall not prejudice the contentions/plea of the parties herein in Suit No.458/2005, which suit, as agreed, shall be decided on merits and strictly in accordance with law. The parties herein, to maintain status-quo only for fifteen [15] days herefrom'.

Accordingly, applicant filed application under Order 1 Rule 10 CPC in Suit No. 458/2005 as well as he preferred fresh suit on the plea of Order VII Rule 13 CPC, however, said suit was dismissed and he preferred appeal; that was also dismissed, hence, present revision application was filed wherein learned counsel for Respondent No.9 while relying upon the case law reported in 2009 SCMR 1079 [Supreme Court of Pakistan] [Re.

Muhammad Ali & Ors Vs. Province of Punjab & Ors] contends that the applicant has no right to file this suit.

Perusal of order passed by in Revision Application No 48/2018 reflects that applicant was allowed to file application under Order 1 Rule 10 CPC in Suit No. 458/2005 while observing that parties as agreed, shall not prejudice the contentions/plea of the parties in Suit No. 458/2005, which suit, as agreed, shall be decided on merits and strictly in accordance with law. Needless to mention that referred suit is also for specific performance of contract and the applicant was given liberty to agitate his plea in the suit filed by Respondent No.9.

Under these circumstances, it would be in the interest of justice to consolidate the suit filed by present applicant alongwith Suit No. 458/2005 and decide the lis on merits; otherwise, if applicant succeeded he will not get same relief as the same cannot award in the lis file by Respondent No.9. Accordingly, impugned judgments recorded by both courts are hereby set-aside.

In view of above, instant revision application is allowed.

M.Zeeshan

JUDGE

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

M.A No.97 of 2022.

Date: Order with signature(s) of the Judge(s)

Fresh Case.

1. For Orders on CMA No.6110/2022.
2. For Orders on CMA No.6111/2022.
3. For Hearing of Main Case.

08th May, 2023.

Mr. Liaquat Ali Awan advocate for the appellant.

1. Exemption is granted subject to all just exceptions.
- 2-3. Issue notice to respondents as well as to learned Advocate General Sindh for a date to be fixed by the office.

M.Zeeshan

JUDGE

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

II-Appeal No.68 of 2023.

Date: Order with signature(s) of the Judge(s)

Fresh Case.

1. For Orders on CMA No.2210/2023.
2. For Hearing of Main Case.

08th May, 2023.

Appellant present in person.

1. Exemption is granted subject to all just exceptions.
2. Issue notice to respondents for a date to be fixed by the office.

M.Zeeshan

JUDGE

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

II-Appeal No.106 of 2023.

Date: Order with signature(s) of the Judge(s)

Fresh Case.

1. For Orders on CMA No.3286/2023.
2. For Orders on Office Objection a/w reply as at 'A'.
3. For Orders on CMA No.3287/2023.
4. For Orders on CMA No.3288/2023.
5. For Hearing of Main Case.

08th May, 2023.

Mr. Khaleeq Ahmed, Deputy Attorney General for Pakistan.

1. Urgency granted.
2. Shall be complied with.
3. Exemption is granted subject to all just exceptions.
- 4-5. Issue notice to respondents for a date to be fixed by the office.

M.Zeeshan

JUDGE

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

C.P No.S-301 of 2023.

Date: Order with signature(s) of the Judge(s)

Fresh Case.

1. For Orders on CMA No.33532023.
2. For Orders on Office Objection and reply as at 'A'.
3. For Orders on CMA No.2367/2023.
4. For Hearing of Main Case.

08th May, 2023.

Petitioner present in person.

1. Urgency granted.
2. Overruled.
3. Exemption is granted subject to all just exceptions.
4. Admittedly Petitioner filed Cr. Misc. Application under Section 491 Cr.PC before the District Judge, Shikarpur; that was disposed of vide order dated 16.03.2022 on the plea that being father Petitioner has right to approach Guardian & Ward Court. By perusing impugned order it is pertinent to mention that father is seeking custody of minors, hence, with regard to improper custody he would be at liberty to approach Guardian & Ward Court. Accordingly, instant petition is dismissed.

M.Zeeshan

JUDGE

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

C.P No.S-425 of 2023.

Date: Order with signature(s) of the Judge(s)

Fresh Case.

1. For Orders on CMA No.3329/2023.
2. For Orders on Office Objection No.1 & 19 and reply of Counsel thereon as 'A'.
3. For Orders on CMA No.3330/2023.
4. For Hearing of Main Case.

08th May, 2023.

Mr. Tahir Anis advocate for the Petitioner.

1. Urgency granted.
2. Shall be complied with.
3. Exemption is granted subject to all just exceptions.
4. Issue notice to respondent No.1 to 6 as well as A.G. Sindh for

16.05.2023.

M.Zeeshan

JUDGE

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

II-Appeal No.223 of 2022.

Date: Order with signature(s) of the Judge(s)

Fresh Case.

1. For Orders on CMA No.3372/2023.
2. For Orders on CMA No.7423/2022.
3. For Orders on Office Objection.
4. For Orders on CMA No.7898/2022.
5. For Hearing of Main Case.

08th May, 2023.

Mr. Kashif Ali advocate for the appellants.

1. Urgency granted.
2. Exemption is granted subject to all just exceptions.
3. Shall be complied with.
- 4-5. Issue notice to respondent No.1 for a date to be fixed by the office.

M.Zeeshan

JUDGE

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

C.T.A No.29 of 2023.

Date: Order with signature(s) of the Judge(s)

Fresh Case.

1. For Orders on CMA No.3427/2023.
2. For Orders on Office Objection a/w reply as at 'A'.
3. For Orders on CMA No.3428/2023.
4. For Orders on CMA No.3429/2023.
5. For Hearing of Main Case.

08th May, 2023.

Mr. Muhammad Kazmi advocate holding brief for Mr. Muhammad
Jibran Nasir advocate for the applicant.

1. Urgency granted.
2. Shall be complied with.
3. Exemption is granted subject to all just exceptions.
- 4-5. Issue notice to respondent No.1 for **11.05.2023**.

M.Zeeshan

JUDGE

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

M.A No.50 of 2023.

Date: Order with signature(s) of the Judge(s)

Fresh Matter.

1. For Orders on Office Objection a/w reply a 'A'.
2. For Orders on CMA No.3223/2023.
3. For Orders on CMA No.3224/2023.
4. For Hearing of Main Case.

08th May, 2023.

Appellant present in person.

1. Shall be complied with.
2. Exemption is granted subject to all just exceptions.
- 3-4. Issue notice to respondent No.1 & 2 for a date to be fixed by the office. Meanwhile, operation of impugned judgment is hereby suspended.

M.Zeeshan

JUDGE