

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

**Present:**

Nadeem Akhtar, J  
Yousuf Ali Sayeed, J

**HCA No. 395 of 2022**

Impact Builders (Pvt) Limited and another.....Appellants

Versus

Iffat Iqbal Province of Sindh and others.....Respondents

Mayhar Kazi, Advocate, for the Appellants.  
Nemo on behalf of the Respondents.

Date of hearing : 09.10.2023

**ORDER**

**YOUSUF ALI SAYEED, J.** - The captioned Appeal, impugns the Order dated 31.10.2022 made by a learned Single Judge of this Court in Suit No.(-)1898 of 2022 pending on the Original Side.

2. A perusal of the impugned order reflects the same to be of an ad-interim nature, in as much as the learned Single Judge was pleased to thereby order that notice be issued for 08.11.2022, whilst directing the parties to maintain status quo till that date.

3. Be that as it may, rather than the pressing for hearing and dismissal of the underlying applications under Order XXXIX Rule 1 & 2 CPC filed in the Suit, the Appellants opted to file the instant Appeal on 21.11.2022 (i.e. after the future date that had been given by the learned Single Judge), which came up in Court for the first time on 22.11.2022, when the impugned Order was modified in view of an element of hardship pleaded on behalf of the Appellants. However, even at that time, it was observed that “Prima-facie, it appears that the appellant can file reply/objection in the suit and seek recalling or modification of the ad-interim order...”.
  
4. Albeit almost 11 months having since passed, on query posed to learned counsel for the Appellants today as to what steps had been taken in the Suit to date so as to press for hearing of the underlying applications and have the same decided, no cogent response was forthcoming and from what we are able to gather it appears that even the counter-affidavits have not been submitted as yet.
  
5. Having considered the matter, we are of the view that the appropriate course of action would be for the Appellants to pursue the matter on the Original Side, and are sanguine that if due diligence is shown by them in that proceeding, the relevant applications could be expeditiously decided by the learned Single Judge seized of the matter. The Appeal accordingly stands dismissed in the foregoing terms.

JUDGE

JUDGE