

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

High Court Appeals No.174 and 175 of 2024

Bank Alfalah Ltd.
Versus
Raza Elahi & others

Date	Order with signature of Judge
------	-------------------------------

1. For orders on urgent applications.
2. For orders on office objections a/w replies as at "A"
3. For orders on exemption applications.
4. For hearing of main cases.
5. For stay applications.

Dated: 06.05.2024

M/s. Salahuddin Ahmed and Chaudhry Atif Rafiq for appellant in both the appeals.

Mr. Ahmed Masood for appellant No.1 in High Court Appeal No.174 of 2024.

M/s. Abid S. Zuberi and Ayan Mustafa Memon for respondents No.2 and 3 in High Court Appeal No.175 of 2024.

-.-.-

Mr. Ahmed Masood Advocate files his Vakalatnama on behalf of respondent No.1 in High Court Appeal No.174 of 2024 whereas Mr. Abid S. Zuberi Advocate files his Vakalatnama on behalf of respondents No.2 and 3 in High Court Appeal No.175 of 2024, which Vakalatnamas are taken on record.

Learned counsel for the appellant has taken us to the first round of litigation whereby per learned counsel respondents' injunction application was dismissed up until learned Division Bench of this Court whereas the lis was filed as CPLA before Supreme Court where after some deliberations, it was not pressed with the understanding that they (respondents) shall avail remedy available to them under the law. In view of such understanding, applications for attachment of the subject

properties were filed upon which the injunctive orders were passed, which are impugned in these appeals.

Mr. Salahuddin Ahmed, learned counsel for appellant, submits that the parties have already seen first round of litigation where in fact the respondents were unable to satisfy the Court up until Supreme Court that any injunctive order could have been passed, however, in the impugned orders restraining orders have been passed to the extent that no third party interest be created.

No doubt an interim/injunctive order could have been passed on attachment application but it is also to be seen whether in view peculiar facts and circumstances of the case such a nature of order is inevitable. The only case that is agitated by the learned counsel for the appellant here is that it should not have been passed on mortgaged properties, which properties were mortgaged long time back and up till filing of these suits none of the parties have voiced over it as far as mortgaged and/or those having lien over the properties of Bank Alfalah, is concerned. Hence in these circumstances we are of the view that while the pending applications require urgent hearing and the same be decided, the injunctive order would not apply to the mortgaged properties. It is expected that the pending applications would be taken up to its logical end after hearing the parties at the earliest preferably before summer vacation. All the learned counsel in attendance have conceded to the above and is without prejudice to their rights which they may establish.

In view of above by consent both the appeals stand disposed of along with listed applications in the above terms.

Judge

Judge