

(16)

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:

Mr. Justice Aqeel Ahmed Abbasi, CJ
Mr. Justice Abdul Mobeen Lakho, J

High Court Appeal No.471 of 2023

Date

Order with signature of Judge

FRESH CASE:

1. For order on CMA No.5973/2023 (Urgent).
2. For order on office objection a/w reply as at "A".
3. For order on CMA No.5974/2023 (Exemption).
4. For hearing of main case.
5. For order on CMA No.5975/2023 (Stay).

Dated; 29th December 2023

Mr. Haider Waheed, Advocate for Appellants.

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1. Urgency granted.


2. Learned counsel for the appellant undertakes to comply with office objections before the next date of hearing.


3. Exemption granted subject to all just exceptions.

4&5. Through instant High Court Appeal, the appellants have impugned the Order dated 14.12.2023 passed by the learned Single Judge of this Court in Suit No.2035 of 2023 on CMA No.20455/2023, whereby, according to learned counsel for the appellants, without hearing the parties an order has been passed directing the respondents, who are admittedly the tenants of the appellants to deposit rental income with the Nazir with further directions that rent deposited shall not be withdrawn unless the hearing of the aforesaid application. According to learned counsel for the appellants, it amounts to appointing the receiver on the properties whose original documents are in possession of the appellants, who have a lien over such properties and are managing the same since 1993 and 2008, therefore, the impugned order, being harsh, may be set aside.

From perusal of the impugned order passed by the learned Single Judge, it appears that title documents of the properties are admittedly in the name of respondent No.1, who has filed subject suit seeking declaration, permanent injunction, specific performance, recovery and mense profit in respect of the subject properties, which appears to be in the control of the appellants. It further appears that no final order has been passed on the aforesaid application, however, as an interim measure such directions have been issued to the tenants of the properties to deposit rent before the Nazir of this Court, which is also subject matter till further order(s) of the Court. Accordingly, we are ^{not} inclined to interfere in the impugned order at this stage, as the appellants have at liberty to approach the learned Single Judge by filing reply/counter-affidavit to the aforesaid application alongwith written-statement, as the case may be, and to seek recalling or modifying of the impugned order. It is expected that the learned Single Judge after hearing the parties may pass appropriate order and decide the aforesaid application in accordance with law at an early date.

Instant High Court Appeal stands disposed of in the above terms alongwith listed applications.


CHIEF JUSTICE


JUDGE