

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.-1116 of 2024
[Nasir Khan & Others vs. Government of Pakistan & Others]

Date	Order with signature of Judge(s)
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1. For orders on CMA No.11101/2024.
2. For orders on office objection.
3. For orders on CMA No.11102/2024.
4. For orders on CMA No.11103/2024.

13.08.2024

Mr. Muhammad Zahid Khan, advocate for the plaintiffs.

1. Urgency granted.
2. Deferred.

3. The plaintiffs, residents of Block 6 PECHS, have filed this suit essentially seeking a restraint upon the defendants *inter alia* from utilizing their neighboring residence, House 35-D & E Block 6 PECHS Karachi, from being used for any purpose other than residential and specifically seeking a restraint for the same to be used as a school, with the nomenclature of "VERITAS".

It is articulated that such illegal conversion of residential property *prima facie* contravenes Regulations 18-4.2.2, 18-4.8, 18-5 and 25-2.2 of the Karachi Building and Town Planning Regulations 2002. Per learned counsel, in *pari materia* circumstances this Court has deliberated and concluded, in *Ardeshir Cowasjee*¹, *Jaffar Public School*², *Mrs. Rozina Ali*³ *CPLC Neighborhood Care*⁴ and *Mehreen Shoaib Baghpatee*⁵, that injunctive relief was merited forthwith.

Notice to the defendants as well as the office of the learned Advocate General Sindh for 27.08.2024. In the meanwhile, defendants are restrained from using the suit property, being House 35-D & E Block 6 PECHS Karachi, and / or permitting the use thereof, for any purpose other than residential and restrained from using, and / or permitting the use thereof, the same for a school.

4. This is an application under Order XVIII Rule 18 CPC, seeking for an inspection. Learned counsel submits that the application is not adversarial in nature and merely seeks to record of the status on the ground independently before this court. There appears no impediment to grant of this application, which is hereby allowed. Nazir of this court to conduct the inspection as sought and submit report before the next date of hearing. Nazir fee is fixed at Rs.30,000/-, to be paid by the plaintiffs in advance.

Judge

¹ Per *G H Malik J* in *Ardeshir Cowasjee & Others vs. Muhammad Naqi Nawab & Others* reported as *PLD 1993 631*.

² Per *Anwar Zaheer Jamali J* in *Arif & Another vs. Jaffar Public School & Others* reported as *2002 MLD 1410*.

³ Per *Muhammad Junaid Ghaffar J* in *Mrs. Rozina Ali vs. KMC* reported as *2019 CLC 1081*.

⁴ Per *Adnan Iqbal Chaudhry J* in *CPLC Neighborhood Care vs. Federation of Pakistan* reported as *2019 YLR 911*.

⁵ *Mehreen Shoaib Baghpatee vs. Province of Sindh & Others* reported as *2024 SBLR Sindh 959*.