

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

Suit 746 of 2024

Date: Order with signature of the Judge

1. For hearing of CMA No.11426/2024
2. For orders on CMA No.11038/2024
3. For orders on CMA No.11039/2024
4. For hearing of CMA No.10311/2024
5. For hearing of CMA No.10313/2024
6. For orders on Nazir report dated 25.07.2024

27.08.2024

Ms. Rizwana Ismail, advocate for the plaintiff
Mr. Arshad M Tayebaly; advocate for alleged contemnors 3 till 7 & 9 till 11
Mr. Salahudin Ahmed; advocate for alleged contemnors 1, 2 & 8
Mr. Khursheed Javed, advocate for defendant
Mr. K.A. Vaswani, Assistant Advocate General
Ms. Zahrah Sehr Vayani, Assistant Attorney General

Alleged contemnors present in person:
Roque Martin D'mello CNIC No.42301-1148182-7
Muhammad Sohaib CNIC No. 42301-1154262-1
Ali Anwerzada CNIC No.42301-8879866-5
Ahmed Abdul Karim CNIC No.42301-9876401-3
Salman Amin Ahmed CNIC 42301-9513119-7
Shahzad Saleem Godil CNIC 42201-5230893-1
Omair Masood CNIC No.42301-1693512-1
Ziaul Hassan Mehmood CNIC No.42201-0641802-5

2 till 6. Deferred. 1. This matter pertains to operation of a commercial school, by the name of **CEDAR**, upon residential property, being Plot No.43/16-A, Block-6, PECHS Karachi.

On 10.08.2024, an interlocutory application, being CMA 10199 of 2024, was allowed and it was *inter alia* directed that CEDAR does not operate on the residential property. A contempt application, CMA 11426 of 2024, was then preferred alleging that the orders of the Court are being flouted.

Show cause notices were issued to the alleged contemnors on 19.08.2024 and the said *order* was assailed in High Court Appeals 268 & 269 of 2024. The said appeals were heard and disposed of by a learned Division Bench of this Court on 23.08.2024.

The matter came before this Court today, being the date for which the show cause notices were issued on 19.08.2024.

Alleged contemnors 1, 2, 4, 6 till 10 are present in person. Mr. Arshad Tayebally, advocate has filed a statement stipulating that alleged contemnors No.3 and 5 are abroad. The alleged contemnor No.11, joint owner of the property in question, is also stated to be in the USA. Mr. Tayebally seeks to

have their absence condoned. The alleged contemnors No.12, 13 and 14 are called absent without intimation or justification.

Per Mr. Arshad Tayebally and Mr. Salahuddin Ahmed, the **CEDAR** School has closed its operations upon the residential property, being Plot No.43/16-A, Block-6, PECHS Karachi, in pursuance of the order of this Court dated 10.08.2024.

It is submitted that the said closure is in due difference to the order dated 10.08.2024, however, subject to the rights of the parties in respective proceedings whereby the said order is and / or may be assailed. It is articulated that since the school has already been shut, therefore, there is no cause to perpetuate contempt proceedings; insofar as alleged contemnors No.1 to 11 are concerned. Learned counsel for the plaintiff seeks time to confirm that the school has been closed in the manner stated.

Mr. Tayebally's request to condone the absence of alleged contemnors No.3, 5 & 11 is accepted for today and the presence of the alleged contemnors 1 to 11 is dispensed with for the time being.

Insofar as alleged contemnors (1) Mansoob Hussain Siddiqui, Director General, Directorate of Inspection and Registration Private Institutions Sindh; (2) Shaikh Fareed, Director (Department of Planning & Urban Design (KDA)); and (3) Wilayat Ali, Director, Sindh Master Plan Department, are concerned, their unjustified absence is noted with concern.

Letailable warrants in the sum of Rs.100,000/- each be issued against (1) Mansoob Hussain Siddiqui; (2) Shaikh Fareed; and (3) Wilayat Ali to procure their arrest and production before the Court on the next date of hearing. The said warrants shall be executed under the personal supervision of SSP concerned; who shall file a report on the next date, under his signature, of the said warrants being executed or otherwise.

To come up on 03.09.2024.

Judge

Amjad