

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

Suit 1694 of 2022

Date: Order with signature of the Judge

1. For hearing of CMA No.11068 of 2024
2. For hearing of CMA No.16575 of 2022
3. For ex-parte orders against defendant No.1

29.08.2024

Mr. Asad Ali Khan Sherwani, advocate for the plaintiff
Mr. Mehmood Yousufi, advocate for the defendant KDA along with Ms. Rehmat-un-Nisa, advocate
Mr. Sadam Bhutto, advocate
Mr. Ali Safdar Depar, AAG

This suit has been filed alleging that a residential property i.e. **Plot No.65/1, Block-4, Kehkashan, Clifton Karachi**, is being used for commercial purposes as school under the nomenclature of **Willow International School**. On 15.11.2022, interlocutory orders were passed *inter alia* restraining functioning of school on the said residential premises.

Subsequently, CMA No.11068 of 2024 was preferred alleging contempt of the orders of this Court and it was pleaded that school is operating thereon. Show cause notices were issued to the alleged contemnors for today.

The alleged contemnor No.2, Saifullah having CNIC No.45105-5160935-9, is present and submits that he is the co-owner of the residential property. He submits that he is not operating any school on the premises, however, the same is being done by or at the behest of alleged contemnors nos. iii, iv and v. He categorically states that being co-owner of the property he has never permitted for the residential property to be used for a school. He submits that the alleged contemnor No.1 is presently overseas and he undertakes to procure his attendance on the next date.

Despite clear orders of the court the alleged contemnors nos. iii, iv and v have not appeared in court. Issue bailable warrants in the sum of Rs.100,000/- each for their arrest and production before the court on the next date. The warrants shall be served by the area SHO under the personal supervision of the SSP concerned, who will submit a written compliance report, under his signature, in respect of execution of warrants.

Learned counsel for defendant/KDA is present and submits that no utilization of the residential property is permissible other than the purposes for which it was leased etc. He states that no permission has ever been accorded for the relevant property to be used as a school. Learned counsel submits that KDA is taking immediate action in such respect and shall submit a conclusive compliance report on or before the next date.

Notice may be issued to the learned Advocate General Sindh, per Contempt of Court Ordinance 2003 as interpreted by a Division Bench of this Court in *Ekram ud Din Khan vs. DG FIA* reported as *PLD 2023 Sindh 90*, to appear in person (or designate an AAG) to assist initially with consideration of framing of charge, per Chapter XIX of the Code of Criminal Procedure 1908, and to act as prosecutor, if so required.

To come up on 12.09.2024. Interim order passed earlier to subsist till further orders.

Judge

Amjad