

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.637 of 2022  
Suit No.52 of 2019  
Suit No.53 of 2019

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Date	Order with signature of Judge(s)
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**Suit 637 of 2022**

1. For hearing of CMA No.6383/2022.
2. For hearing of CMA No.7211/2022.
3. For hearing of CMA No.7212/2022.
4. For hearing of CMA No.7213/2022.
5. For hearing of CMA No.14329/2022.

**Suit 52 of 2019**

1. For hearing of CMA No.8870/2022.
2. For hearing of CMA No.8043/2019.
3. For hearing of CMA No.348/2019.
4. For examination of parties / settlement of issues

**Suit 53 of 2019**

1. For hearing of CMA No.8041/2022.
2. For hearing of CMA No.2670/2019.
3. For hearing of CMA No.350/2019.

**04.09.2024**

Messrs. Arshad M. Tayebaly and Talha Javed, advocates for the plaintiff in Suit No.637 of 2022 and for the defendant No.2 in Suit No.52 of 2019

Mr. Aman Aftab, advocate for the defendant No.3 in Suit No.637 of 2022 and for the plaintiff in Suit No.52 of 2019 and Suit No.53 of 2019.

Mr. Noor Alam Khatri, advocate for the defendant No.2 in Suit No.53 of 2019.

Mr. Ali T. Ebrahim, advocate for defendant/PQA

Ms. Alizeh Bashir, Assistant Attorney General.

Mr. Mughees ul Wara Fasih, Director I.M. Port Qasim Authority

CMA No.348 of 2019 in Suit 52 of 2019  
CMA No.350 of 2019 in Suit 53 of 2019  
CMA No.6383 of 2022 in Suit 637 of 2022

Briefly stated, the plaintiff in Suit 637 of 2022 claims title and possession of plot No.EIZ/LL/G-09 measuring 10 Acres, situated at Eastern Industrial Zone, Port Qasim, Karachi. Per learned counsel, the transfer of rights and possession from the defendant/Port Qasim Authority is already demonstrated from the pleadings. CMA No.6383 of 2022 seeks preservation of the rights of the plaintiff in the suit property, pending final adjudication of the suit.

Suits 52 and 53 of 2019 have been filed claiming rights to 200 acres of land. Per learned counsel, 116 acres therefrom are sold to K. Electric earlier and 84 acres are still part of the plaintiff's claim. It is averred that the 10 acre property, subject matter of Suit 637 of 2022, is a constituent of the land claimed by the plaintiffs in these suits, therefore, the defendant No.1 (Port Qasim

Authority), may be restrained from giving possession of the subject land to the defendant No.2.

These applications are pending since 2019 and 2022 respectively and for expeditious determination of the same, the Director, Industrial Management, Port Qasim Authority was requested to be present along with the relevant record. Mr. Mughees ul Wara Fasih, Director I.M. Port Qasim Authority, is present and states that the property in question belongs to Port Qasim Authority and rights therein are conferred upon other entities from time to time on terms and conditions so determined. He categorically states that insofar as the property, subject matter of Suit 637 of 2022, is concerned rights and possession therein stands delivered to the plaintiff in Suit 637 of 2022. He further states that the said property is not a constituent of any claim escalated in the Suits 52 and 53 of 2019.

An interim application is intended to preserve the subject matter of the *lis* pending adjudication thereon and ought to be addressed at the earliest on the basis of prima facie case, balance of convenience and irreparable loss. The final outcome of the case is subject to adjudication, however, matters that are to be finally determined need not delay the adjudication of an interim application.

Insofar as CMA No.6383 of 2022 is concerned, in Suit 637 of 2022, the documents on record demonstrate the conferment of rights and possession in the subject land to the plaintiff and the same has been independently corroborated by Mr. Mughees ul Wara Fasih, Director I.M. Port Qasim Authority, therefore, the application is allowed.

Insofar as CMAs No.348 of 2019 and 350 of 2019 are concerned, it has already been demonstrated that the possession already vested in the plaintiff in Suit 637 of 2022. This has been independently confirmed by Director I.M. Port Qasim Authority and he has categorically stated that the land, subject matter of Suit 637 of 2022, does not form a constituent of the land claimed in Suits 52 and 53 of 2019. Therefore, no prima facie case, balance of convenience, irreparable harm is made out, hence, these two applications are dismissed. Office is instructed to place copy of this order in connected matters.

Judge