

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

HCA No.252 of 2024
[Tanveer & another v. Province of Sindh & others]

Date: Order with signature of the Judge

1. FOR ORDER ON CMA NO.1855/24
2. FOR ORDER ON CMA NO.1856/24
3. FOR ORDER ON OFFICE OBJECTION A/W REPLY AS AT 'A'
4. FOR ORDER ON CMA NO.1498/24
5. FOR HEARING OF MAIN CASE

04.9.2024

Mr. S. Ahsan Imam Rizvi, Advocate for the Appellants

This appeal is against the order dated 06.6.2024 passed by a learned single Judge of this Court in Suit No. 2389/2021. The Appellants are defendants in the suit and claim to be the actual owners of the suit land. They are aggrieved inasmuch as the learned single Judge allowed the Respondents to continue construction on the suit land.

Learned counsel submits that the impugned order is in the nature of a mandatory injunction inasmuch as it observes: "It is to be ensured that construction not to be halted." He submits that the order practically decides the injunction application against the Appellants. However, in our view, the order impugned is only an interim order whereby the learned Single Judge has essentially observed that he is not inclined to stay the ongoing construction at the suit plot at such point in time. The injunction application remains pending and the Appellants are free to move an application under Order XXXIX Rule 4 CPC for a modification or vacation of such interim order. We are not inclined to interfere in the discretion exercised by the learned single Judge in passing an interim order. The appeal is therefore dismissed in *limine*.

J U D G E

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