

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-8286 of 2019
C.P. No.D-6339 of 2022

Order with signature of Judge

1. *For orders on Nazir Report dated 28.04.2022.*
2. *For hearing of Misc. No.10154 of 2022*
3. *For hearing of Misc. No.36492 of 2019*
4. *For hearing of Misc. No.36493 of 2019*
5. *For hearing of main case*

01.02.2023

Mr. Ashfaq Ahmed, Advocate for the petitioner.
Mr. Haad A.M. Paggawala, Advocate for the intervener.
Mr. Dhani Bux Lashari, Advocate and Mr. Ghulam Akber Lashari,
Advocate for SBCA.

After hearing the learned counsel for the parties at some length, in view of the report submitted by the SBCA on 11.05.2022, it transpires that the impugned construction has been raised as per approved building plan and there is no violation in this regard, however, learned counsel for the petitioner has expressed his grievance to the extent that the respondents have not erected their own boundary wall at the rear side of the petitioner's house, whereas open steel staircase has also been installed which effects the privacy of the petitioner.

Learned counsel for the private respondents submits that though there is no violation in the construction raised by the respondents which is as per approved building plan, however, the grievance of the petitioner to the extent of use of the steel staircase, which is likely to effect the privacy of the petitioner, the private respondent will cover such steel staircase to redress the grievance of the petitioner. As regards the contention of the counsel for the petitioner relating to erection of separate boundary wall since it is not subject matter of the instant petition we leave it to be resolved between the parties as per building byelaws and the petitioner may approach the SBCA in this regard where-after the matter may be resolved by the SBCA as per byelaws after hearing the parties.

At this juncture, learned counsel for the petitioner has candidly submitted that if there is requirement of law to raise independent boundary wall the needful will be done in accordance with law.

Instant petitions stands disposed of in the above terms along with listed applications.

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