

## IN THE HIGH COURT OF SINDH AT KARACHI

H.C.A. No.343 of 2018

Date

Order with signature of Judge

**Present:****Mr. Justice Aqeel Ahmed Abbasi****Justice Mrs. Kausar Sultana Hussain*****Abida Tufail Palijo & another******v/s.******Ambreen Bashir & others*****Hearing/Priority Case**

- 1.For orders on office objection
- 2.For hearing of main case.
- 3.For hearing of CMA No.2960/2018

**29-09-2022**

Mr.Muhammad Ali Lakhani, Advocate for Appellant.

Mr.Umer Memon and Mr.Aitzaz Manzoor Memon, Advocates for the Respondent

**ORDER**

Instant High Court Appeal has been filed against an ad-interim order dated 28.09.2018 passed by the learned Single Judge in Suit No.1809/2018, whereby, while issuing notice to the defendants and the Advocate General Sindh, defendant Nos.7 and 8 in the suit were restrained from using the property in question for any purpose other than as provided in the lease documents of the property in question. It appears that defendant Nos.7 and 8 (operating school on subject property) have not assailed the impugned order, whereas, instant High Court Appeal has been filed on behalf of parents of the students, who are studying in the school, however, they were not party in the suit, however feeling aggrieved by

the impugned order, they filed instant High Court Appeal, as according to learned counsel, the impugned order has affected the substantial right of the students to carry on their education in the school without any disruption.

2. Today, M/s. Umer Memon and Aitazaz Manzoor Memon, learned counsel for the respondents have shown appearance pursuant to notice under Order 43 Rule 3 CPC, waived notice, however, after arguing the matter at some length, both the learned counsel for the parties have agreed for disposal of the instant High Court Appeal with the directions to the learned Single Judge to pass appropriate order afresh on the injunction application (CMA No.13624/2018) after hearing all the parties, whereas, the appellant may be at liberty to become party in the aforesaid suit by filing appropriate application as well as reply/objections to the injunction application and thereafter the learned Single Judge may pass appropriate order on such applications in accordance with law, preferably, within four weeks from the date of hearing such application(s), whereas, in the meanwhile, the operation of the impugned order shall remain suspended.

3. Accordingly, by consent, instant High Court Appeal stands disposed of in the above terms along with listed applications.

Judge

Judge