

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

H.C.A. No.94 of 2024

Capt. S.M. Aslam
Versus
Asad Mehmood Hashmi & others

Date	Order with signature of Judge
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1. For order son CMA 589/24
2. For order son CMA 590/24
- 3 For hearing of main case.

Dated: 12.03.2024

Mr. S. Abid Hussain Shirazi for appellant.

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Heard the counsel and perused record.

Impugn in this appeal is an order whereby appellant's application seeking restraining order in respect of subject property was dismissed. The appellant has filed suit against respondents for rendition of accounts, declaration, restrain/stoppage the use of plaintiff's license, recovery of damages and mesne profit. The controversy, as is pleaded in the plaint, revolves around some business dispute pertaining to license of CNG station etc. in between appellant and respondents. This has nothing to do with the subject property. Even otherwise record reveals that the subject property was sold by appellant to respondents in May 2006 and has nothing to do with the present controversy in between the parties. So also the cause of auction to file the suit accrued much after the sale of such property i.e. in October 2019. Perusal of plaint reveals that the subject property has nothing to do with the dispute rather appellant himself made it out of the dispute by specifically stating in paragraph 6 of the plaint that he has no concern with the said property. The same is reproduced as under:-

“That after the sale of the aforesaid property the plaintiff remained no concern with the property i.e. Plot No.B-32 Block-4-A, KDA Scheme No.24 Gulshan e Iqbal Karachi as he had received eh full sale consideration in respect of the residential plot.”

When confronted with the above position, learned counsel for the appellant pleaded that in this way appellant intends to secure recovery of damages etc., if granted after trial. We are afraid on such pretext the absolute and exclusive ownership of a property, which is not the subject matter of the dispute, cannot be disturbed by way of an “injunction”. Hence, the impugned order does not call for any interference. Instant High Court Appeal is accordingly dismissed along with listed applications.

Judge

Judge