

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

H.C.A. No.144 of 2024
(Moosa & another vs. Muhammad Asif Kasbati & another)

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Fresh Case

1. For order on CMA No.864/2024 (Urgent).
2. For order on office objection a/w reply at 'A'.
3. For order on CMA No.865/2024 (Exemption).
4. For hearing of main case.
5. For order on CMA No.866/2024 (Stay).

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Dated 08.04.2024

Mr. Abbadul Hussnain, Advocate for the appellants.
Mr. Ahmed Masood, Advocate for respondent No.1 a/w
Mr. Muhammad Altaf, Advocate.

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1. Urgency granted.

2-5. Learned counsel for the appellants has impugned an order of 22.03.2024 which only requires the appellant to respond to a show cause notice and only in consideration thereof, a charge is to be framed or otherwise. Learned counsel for the appellants is of the view that para 1 of the impugned order suggests as if no compliance was made; he then relied upon an application at page 619 of the file which is an application under Order XIII Rules 1 and 2 CPC (as compliance). Counsel submits that actually in the absence of the appellants' counsel, a misrepresentation was made which led to the passing of the impugned order whereby a show cause notice was issued.

We are of the view that the learned counsel may explain themselves by responding to the show cause notice and apprise the Court as to the compliance as required under the law in terms of first para of the impugned order. We expect that the contemptuous proceedings so also proceedings in response to a show cause notice

shall be subject to hearing the parties. Office to fix all pending applications in the suit for hearing. With this understanding of law, the appeal is dismissed alongwith listed applications.

JUDGE

JUDGE

Asif