

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

High Court Appeal No.298 of 2021

M/s Topaz Associates
Versus
Karachi Co-operative Housing Societies Union Limited and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Present:
Mr. Justice Muhammad Shafi Siddiqui
Justice Ms. Sana Akram Minhas.

Hearing (priority) case

1. For order on office objection.
2. For hearing of main case.
3. For hearing of CMA No.2387/2022 (Stay).

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Dated 30.04.2024

M/s M. Jaffer Raza and M. Yahya Iqbal, Advocates for Appellant.
Mr. Zulfiqar Ali, Advocate for Respondent No.1.
Mr. Aamir Aziz Khan, Advocate for Respondent No.2.

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This High Court Appeal is filed against an ad-interim order dated 07.12.2021 passed in J.M. No.73/2015. It is appellant's case that although they have moved an application under Order-VII Rule-11 CPC in the suit, however, during its pendency, the impugned ad-interim order was passed that no third party interest be created in the suit/subject property till the next date of hearing.

We have confronted with the appellant's counsel that this is only an ad-interim order and the injunction application will be taken to its logical end one way or the other once the J.M. is heard. He submits that the impugned ad-interim order has virtually stopped the actions of the appellant, as they are engaged in the construction process. This could hardly be the reason to cause interference insofar as the "ad-interim order" is concerned, as most likely it would be taken to its logical end once the application is heard finally. The appeal as such is not maintainable and is dismissed along with pending application(s).

JUDGE

JUDGE

Ayaz Gul