

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

High Court Appeal No.99 of 2024

M/s Pakistan National Building Material
Display Center Foundation (PNBMDCF)

Versus

Aqsa Suleman Bawany

Date	Order with signature of Judge
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1. For hearing of CMA 1978/24
2. For hearing of CMA 979/24

Dated: 10.12.2024

Mr. Zubair Ahmed for appellants.
Ms. Sehar Rana for respondent No.2.

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This High Court Appeal was disposed of vide order dated 20.05.2024 after hearing learned counsel for appellant/PNBMDC (plaintiff in Suit No.1009/2023 and defendant No.1 in Suit No.872/2024) as well as learned counsel for respondent No.2/Shaista Estate (Pvt.) Ltd. (plaintiff in Suit No.872/2024 and defendant No.2 in Suit No.1009/2023). It is clarified that Suit No.872/2024 and/or any of its proceedings was/is not before us. The crux of the matter was occupation of appellant on the roof of 5th floor (6th floor) of the subject building. In terms of paragraph 5 learned counsel for respondent No.2 has made a categorical statement that the occupation of the appellant over a portion of the roof of 5th floor shall be treated subject to law, which satisfied the appellant as no unlawful action to reoccupy portion of the roof of the 5th floor was attempted. With this understanding the subject controversy was resolved.

We are now faced with an application of contempt filed by the appellant. The alleged contemnors are claimed to have moved the advertisement boards and put the same on the outer side with the supporting/boundary wall of the roof to an open space. The photographs attached with the application (before and after) do not show any apparent dislocation. In addition to it, it was the physical occupation on

the roof of 5th floor (6th floor) which was undertaken to be dealt with in accordance with law by respondent No.2. There is nothing specifically in respect of signboards, which are still affixed there per photographs attached with the contempt application.

Thus, we do not see any violation of the order in terms of its paragraph 5 and hence are not inclined to proceed further in respect of the listed contempt application, which is accordingly dismissed along application at Sr. No.2.

Chief Justice

Judge