

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.2465/2014

DATE ORDER WITH SIGNATURE OF JUDGE

1. For hearing of CMA No.1482/15
2. For hearing of CMA No.1483/15
3. For hearing of CMA No.16769/14

19.3 .2015

Mr. Ch. Atif Advocate for plaintiff.
Mr. Asadullah Lashari State Counsel
Mr. Naeem Ahmed for defendant No.1
Mr. Muhammad Haroon for Board of Revenue Sindh along
with Ajaz Ali Abro AC & SDM, Landhi
.X.X.X.

This suit has been filed with the following prayer:

- “A. *Declare that the impugned notice dated 09.12.2014 is based upon malafides and is therefore, unlawful and void;*
- B. *Declare that the defendants No.2 and 3 has no jurisdiction to take any action in relation to the godowns on the said property i.e. Plot No.17 & 18, Sector 17, Korangi Industrial Area, Karachi;*
- C. *Permanently restrain the defendants from dispossessing the plaintiff and from causing any interference in the business activities of the plaintiff;*
- D. *Permanently restrain the defendants from removing machinery from the godowns in possession of the plaintiff and from taking any coercive action against the plaintiff, its directors, shareholders and employees working at the said property;*
- E. *Cost of the suit; and*
- F. *Any other additional and alternate relief as this Court may deem fit and appropriate.”*

Learned Counsel for the plaintiff submits that in Suit No.1230/2010 which is filed by other alleged landlord Muhammad Dawood the entire controversy insofar as the status of the plaintiff and that of one Muhammad Dawood in the connected suit is concerned is the subject matter of the aforesaid Suit No.1230/10 where the restraining orders are also operating and even the Hon’ble Division Bench in HCA

No.137/2010 were pleased to pass orders on 15.9.2010, 12.7.2010 and 13.7.2010 where an observation was made that neither Muhammad Dawood who is the plaintiff in the connected suit nor the plaintiff in this suit would interfere in the business activities of the plaintiff subject to outcome of this suit. Defendant is also party in the aforesaid suit.

Impugned in this suit is a notice issued by PASSCO/defendant No.1 who was also defendant in the connected suit for removal of the unauthorized machineries. Such notice, although in my tentative view, constitutes contemptuous proceedings since all issues including the issue mentioned in the notice is subjudged in Suit No.1230/10, however the ACM Landhi has acted upon the said notice and has threatened the plaintiff for the removal of the machinery. Today the ACM is in attendance in Court and submits that he was not aware of the proceedings in Suit No.1230/10 and that he has tendered unconditional apology which is available in the file. He categorically states that in view of such facts and circumstances such notice of removal of the machinery is not warranted.

I have heard the learned Counsels. All the learned Counsels present in Court agreed that in the instant suit it may be observed that the plaintiff shall neither be dispossessed nor be issued any notice for removal of machineries, equipment's, articles etc till disposal of the connected Suit No.1230/10. It is further agreed that the connected suit shall be heard and decided within a period of four weeks and no adjournment shall be sought by the Counsels appearing therein. Although in the connected suit the Counsels who are appearing for plaintiff are not in attendance, I may direct all the Counsels to proceed with Suit No.1230/10 expeditiously and not to seek any adjournment on flimsy grounds.

The instant suit is accordingly disposed of with the observation that no coercive method be adopted by the defendants either to dispossess the plaintiff or to remove the machineries etc till the disposal

of Suit No.1230/2010. However they would be at liberty to adopt due process of law in case they succeed in the connected suit.

Suit along with all pending applications stands disposed of.

Judge