

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

High Court Appeal No.470 of 2023

Dr. Nazeer Hussain Kalhoro
Versus
Federation of Pakistan and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Hearing (priority) case

1. For orders on office objection as at "A".
2. For hearing of main case.
3. For hearing of CMA No.5972/2023 (Stay).

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Dated 03.02.2025

Mr. Mujtaba Sohail Raja, Advocate for the appellant.
Mr. Malik Altaf Hussain, Advocate for Respondents No.13 and 18.
Mr. Khaleeq Ahmed, Deputy Attorney General.

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On 29.01.2025 Mr. Altaf Hussain has marked his appearance for Respondents No.13 and 18 and has conceded to the question raised by Mr. Mujtaba Sohail Raja that on an urgent application the earlier interim order was vacated in the absence of the appellant/plaintiff. We then despite the earlier service as an indulgence adjourned this matter for today with the understanding that an intimation notice be issued. Mr. Ali Asadullah Bullo, who was appearing for Defendant No.4/Respondent No.4 has not appeared today. He was also called absent on the last date when an indulgence was shown by this Court.

We have heard the learned counsel, who are in attendance, and perused the impugned order dated 21.12.2023 on which date on an urgent application the matter was taken up by the learned Single Judge and in the absence of the appellant being plaintiff in the suit, the interim order was recalled. The appellant/plaintiff was condemned unheard and interim order, which was granted, prima facie could only be recalled after hearing or making an attempt for

plaintiff's appearance and apparently on the material day when the interim order was recalled, the plaintiff had no intimation of the fixation of the case, as it was taken up on an urgent application. As such, this appeal is allowed to the extent that the interim order granted on 15.11.2023 shall continue subject to the final outcome of the injunction application which is pending as CMA No.18266/2023.

The appeal stands disposed of along with pending applications.

CHIEF JUSTICE

JUDGE

Ayaz Gul