

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
Civil Revision Application No.11 of 2026

Date	Order with Signature of Judge
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Fresh case

1. For orders on CMA No.427/2026.
2. For orders on CMA No.428/2026.
3. For hearing of main case.
4. For orders on CMA No.429/2026.

21.01.2026

M/s. Abbas Rasheed Razvi and Shoaib Ali Khatian,
Advocates for the applicants

1. Urgency is granted.
2. Exemption is granted subject to all just exceptions.

3&4. M/s. Star Construction Company (applicant No.1, a partnership firm), Tanvir Ahmed (applicant No.2), and Mrs. Mussarat Nazir wife of Tanvir Ahmed (applicant No.3) ("hereinafter referred to joinly and severally as "Star Construction Company") are aggrieved by the simplicter order dated 16.01.2026 for notice to respondents passed by the learned Vth Additional District Judge, Karachi, East, in Civil Appeal No.35 of 2026 as per the copy of the order available on page 69 of the revision. Counsel contends that on 03.09.2019, Star Construction Company had itself handed over possession of the suit property to the Nazir of the High Court in Muhammad Bux Suit No.1707 of 2008 (re-numbered as Suit No.7720 of 2025) (available on page 395 of the revision). Thereafter, litigation ensued between Star Construction Company, Muhammad Bux, Pervez Fazlani and others, which culminated in the order dated 07.02.2022 passed in H.C.A. No.283 of 2019, whereupon, as per paragraph-4 of the said order, the Nazir took over possession of the suit property (available on page 439 of the revision). Eventually, the suits were transferred to the District Court, re-numbered and to be heard together as per the order dated 07.02.2022. Counsel contends that on 06.12.2025 the case was

adjourned to 17.01.2026 and this is reflected as per the cover sheet of the suit as available on page 505 of this revision. However, counsel contends that apparently Pervez Fazlani on 13.12.2025 filed an application under Order VII Rule 11 r/w Section 151 CPC whereafter the trial Court proceeded without issuance of any notices to Star Construction Company to decide the said application, ex-parte to the detriment of the applicants and created an entirely new situation when it passed order dated 13.01.2026 directing the Nazir of the High Court to hand over vacant and peaceful of the suit property to Pervez Fazlani or his duly authorized representative strictly in accordance with law (available on page 465 of the revision). Counsel contends that the learned Vth Additional District Judge, Karachi, East, merely issued notices to the respondents and did not entertain the various interlocutory applications which were listed for hearing on the said date. The applicants apprehend that the corpus of the suit property will be irretrievably lost, and the situation will be complicated to the detriment of all the parties, which includes the respondents, as well as the status quo prevalent in the litigation as per the order dated 07.02.2022 passed in HCA No.283/2019, has been modified without giving opportunity of hearing to the applicants.

Heard Counsel. It is apparent on the face of the record that the corpus involved in this lis is highly contentious and requires preservation until final determination, after giving opportunity of hearing all the parties, including opportunity of hearing of an application under Order 7 Rule 11 filed in the applicant's own suit. During arguments Counsel has submitted a statement dated 21.01.2026, attaching copies of photographs evidencing the construction of a boundary wall around the perimeter of the subject property, which indicates a change in situation in juxtaposition with the status-quo as was recorded in the Nazir's Report dated 05.10.2009 (available on page 255) wherein the Nazir had reported that there were no boundary walls. Ordinarily, this Court is most reluctant in granting such relief at the stage of a revision impugning an order for notice passed in

appeal, however, as an exception, in the present instance, a case is made out for the immediate preservation of the subject property which has existed from 05.10.2009 to 07.02.2022 and had continued up to 13.01.2026, and to prevent a situation resulting in complication and potential miscarriage of justice to any of the parties. Accordingly, the Nazir is directed to immediately take repossession of the subject property on the same terms as it was in its control as on 13.01.2026 in light of the order dated 07.02.2022, until the next hearing date. The Nazir's fee continues to be as framed in the order dated 07.02.2022. Meanwhile, issue notice to the respondents through the learned Vth Additional District Judge, Karachi, East, in Civil Appeal No.35 of 2026. Also issue notice to learned Advocate General Sindh. To come up on 28.01.2026 at 11:00 a.m.

J U D G E

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