

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Rev. Appl. No.160 and 161 of 2022

Date	Order with signature of the Judge
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1. For order on office objections
2. For hearing of main case
3. For hearing of MA 7675/2022.

08.11.2024.

Mr. Imdad Ali Sahto, Advocate for applicant.

Ms. Rubina Qadir, DPG.

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MUHAMMAD IQBAL KALHORO J: Applicants, Pakistan Mobile Communication Ltd. and CMPak (Zong) Pvt. Ltd., have challenged certain observations in an order dated 16.05.2022 passed by learned 2nd Additional Sessions Judge, Malir Karachi in I.D. Complaint No.22/2010, whereby they have been directed to provide CNICs of illegal occupants who are using facility of mobile service on the land of complainant.

2. As per learned course, this I.D. complaint was registered by the complainant in 2010, which was allowed and respondents/illegal occupants were directed to vacate the premises. When they refused to do so, complainant filed an application seeking implementation of the order. In the course of which the order in hand was passed and the impugned observations were given. The case of the applicants is that no such technology is available with the mobile phone companies to trace out and identify illegal occupants on the land of complainant which is Bijnor Cooperative Housing Society, Sohrab Goth Karachi. More so, such observations were passed by the learned trial court without affording an opportunity of hearing to the applicants in the case in which they were not even the party.

3. Learned DPG has agreed with the learned counsel for applicants and has given no objection if the same observations are set-aside.

4. Learned trial court without affording an opportunity to the applicants passed the impugned directions and without ascertaining whether such technology was available with the applicants or not. It is not duty of the mobile companies to identify illegal occupants, unless their names and addresses are properly provided to them. Providing copy of CNIC by them to the court is not their obligation either. Therefore, these observations are not sustainable in law.

Accordingly, the impugned order to the extent of such observations for providing CNICs by the applicants of the illegal occupants of the complainant's plot are set-aside.

Both the Cr. Revision Applications are disposed of accordingly alongwith pending applications.

JUDGE

A.K