

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Before: Muhammad Iqbal Kalhoro &
 Mohammad Abdur Rahman, JJ,

H.C.A. No.274 of 2023

Fahad Iqbal
Versus
Roqaia Maqsood Trading Establishment & another

And

H.C.A. No.275 of 2023

Nisar Ahmed
Versus
Roqaia Maqsood Trading Establishment & another

And

H.C.A. No.276 of 2023

Muhammad Talha Shafi
Versus
Roqaia Maqsood Trading Establishment & another

Date	Order with signature of Judge
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- 1. For orders on CMA 119/25
- 2. For hearing of CMA 120/25
- 3. For orders on office objection a/w reply at Á’.
- 4. For hearing of main case.
- 5. For hearing of CMA 3183/23
- 6. For hearing of CMA 3184/23

Dated: 26.08.2025

Mr. Badar Alam along with Mr. Kashif Alam, Advocates for Appellants.

Mr. Raj Ali Wahid Kanwar, advocate for Respondent No.1.

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Muhammad Iqbal Kalhoro, J.- A suit No.341 of 2007 was filed by predecessor in interest of Respondent No.1 against some private individuals and Province of Sindh for specific performance of the contract. That suit was decreed by way of compromise between the parties vide judgment and decree dated 23.11.2007. However, afterwards a series of cases/suits numbering 22 in respect of the same property involved in the aforesaid suit i.e. 50 Acres of land, i.e. 49 Acres in Naiclass Survey No.77,

Sector 52-A and 1 Acre in Naiclass No.58, Deh Bitti Amri, Scheme 33, Karachi, were filed for the relief of specific performance of agreements against some private persons. In the suits the claims were founded on a number of contracts/ agreements of sale/purchase, which suits are still pending.

2. The grievance of the Appellants is that the learned trial Court has connected the suit already decreed with the pending suits and is continuing with the proceedings and passing a number of orders therein, resulting in abridging rights of the parties already determined in the first suit. Learned counsel for the appellants submits that if the said suit is separated from the pending suits and the learned trial Court is restrained from passing any order therein, unless some execution application or any other application including application under section 12(2) of Civil Procedure Code, 1908, is filed and decided, he would be satisfied.

3. Learned counsel for other party who is plaintiff in some suits or interveners or defendants in other suits submits that he has no issue if the suit already decreed is separated from the bunch of pending suits and that suit is taken up only if any application is filed, and which is decided independently and separately.

4. We, therefore, dispose of these appeals by directing the learned trial Court to separate/de-tag Suit No.341 of 2007 from the remaining suits filed in respect of the same property, hold the proceedings of the said suits separately and independently from the suit already decided. However, if any application is filed in the decided suit it shall be attended to and decided in accordance with law.

5. All appeals are accordingly disposed of in the above terms along with pending applications.

Judge

Judge

