

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
HCA No.136 of 2018

---

Date	Order with signature of Judge
------	-------------------------------

---

- 1.For order on CMA No.1319/2018
- 2.For order on CMA No.1320/2018
- 3.For hearing of main case
- 4.For order on CMA No.1321/2018

15.05.2018

Mr. Muhammad Fazle Rabbi advocate for the appellant.

-----

This High Court Appeal has been preferred against the order dated 18.04.2018 passed by the learned Single Judge of this court in Suit No.2476/2017 which is reproduced as under:-

“Counsel for the Defendants No.1 & 3 requests for time to file counter affidavit as his client is out of station. Time allowed, whereas, Counsel for Defendant No.5 claims copy of the Plaint and its Annexures, which Counsel for the Plaintiff undertakes to supply during the course of the day. Adjourned. Till the next date, the parties are directed to maintain status-quo.”

On the face of it this is merely an interlocutory order and application under Order XXXIX Rule 1 & 2 C.P.C is pending. The matter was adjourned on the request of learned counsel for the defendant No. 1 and 3 to file counter affidavit. It appears that as an interim arrangement, the court passed order for maintaining status quo. Under C.P.C learned counsel for the appellant has also remedy to move application under Order XXXIX Rule 4 C.P.C for vacation of the interim order but this appeal has been preferred against interim order which has

not been confirmed. One more remedy was to move urgent application in the learned trial court so that the stay application may be heard and decided to an early date. The tendency of filing appeal against such type of interlocutory order is highly deprecated. After arguing at some length, learned counsel does not press this High Court Appeal and preferred to move proper application in the learned trial court for vacation of stay order. This was a fit case in which the appeal could be dismissed with cost, however, taking a lenient view this appeal is dismissed as withdrawn along with pending applications.

JUDGE

JUDGE

Aadil Arab

