

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Date	Order with signature of Judge(s)
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

Mrs. Roshan Bai & others
(C.P. No.D-1726 of 2017)

Saleem Sheikh
(C.P. No.D-7133 of 2016)

M. Munir Ahmed Qureshi
(C.P. No.D-1830 of 2017)

Imtiaz Ahmed Khan & others
(C.P. No.D-1683 of 2017)

Muhammad Suleman
(C.P. No.D-1835 of 2017)

Muhammad Afzal Awan
(C.P. No.D-8631 of 2017).....Petitioners

Versus

The Province of Sindh & others.....Respondents

Date of hearing: 28.08.2019

Mr. Muhammad Afzal Awan, Advocate for the petitioners.

Mr. Abdul Razzaq, Advocate and Ms. Nasima Mangrio for
the KPT.

Mr. M. Nadeem Khan, Assistant Attorney General.

Mr. M. Jawad Dero, Additional Advocate General Sindh.

Muhammad Ali Mazhar, J.: All the petitioners are leasehold rights holders in relation to their separate plots leased out to them by Karachi Port Trust Officers Housing Society Limited. The details of each plot are mentioned in the respective petitions. Learned counsel for the petitioners argued that these constitution petitions were filed during pendency of ***Suit No.735 of 2001 (Karachi Port Trust Officers Housing Society Limited versus***

Government of Sindh & Others) at original side of this court. However, vide judgment dated 08.02.2019, the suit has been decreed. Paragraph 27 of the judgment is reproduced as under:-

“27. So far as the Issue No.5 is concerned, sanguine to the set of circumstances and ramification as well as connotation of Section 27 read with Schedule-A of KPT Act 1886, the plaintiff is entitled to the decree for permanent injunction. Consequently, the defendant No.1 to 4 shall not take any adverse action in pursuance of impugned letter dated 21.4.2001 against the plaintiff and they shall also not cause any interference or hindrance to the land in possession of plaintiff and its members. The suit is decreed in the above terms. The parties will bear their own cost. The pending applications are also disposed of accordingly.”

2. The learned counsel further argued that after decision in the above suit, the main issue has been settled though the Government of Sindh has preferred High Court Appeal against the judgment and decree but the operation of above judgment is intact and no restraining orders in field. The grievance of the petitioners is that during pendency of above suit, the concerned Registrar denied registration of documents including sale deed and gift deed.

3. It was further averred by the learned counsel that the aforesaid petitions may be disposed of with some directions to the concerned Registrar to entertain documents for registration as there is no hindrance at the moment.

4. The learned AAG confirmed that though against the aforesaid judgment and decree, Government of Sindh has filed HCA. No.144/2019 but no stay or any restraining order has been passed in the said appeal. The learned counsel for the Karachi Port Trust endorsed their no objection to the proposal put forward by the learned counsel for the petitioners.

5. In view of the above, these petitions are disposed of with the directions to the concerned Registrar to examine each document separately whenever presented for registration in respect of Karachi Port Trust Officers Housing Society Limited and register the documents in accordance with the law.

Judge

Judge