

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**M.A No.58 of 2017**

Date	Order with signature of Judge
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1. For hearing of CMA No.9265/2018 (U/A)
2. For orders on office objection as at 'A'.
3. For order on CMA No.7815/2018 (exemption)
4. For hearing of main case

**25.10.2018**

M/s. A.I Chundrigar & M. Ilyas Ahmed, advocates for the appellant.

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Learned counsel for the appellant has challenged the order passed in SMA No.606/2017 regarding immoveable property No.A-169, A-170, A-171, measuring 1250 sq. meters each Sector-A, Hub Industrial Estate, Hub Chowki, Baluchistan. Learned counsel says this property is already mortgaged with IDBL, who is aggrieved by the order passed in SMA No.606/2017. The factual position is that property already stand mortgaged and the appellants have already filed J.M No.40/2002 for recovery of loan advance against mortgaged of the property. The original title documents of the aforesaid property are also with IDBL.

The Court has already order attachment of the property. It is hereby clarified that any order passed in SMA would have no bearing on the rights and claim of the appellant already subjudice under J.M No.40/2002.

In view of the above observation, learned counsel for the appellant does not press instant Misc. Appeal and the same is disposed alongwith listed applications.

JUDGE