ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI

H.C.A. No.196 of 2020

Data Order with signature of Judge

Date Order with signature of Judge

Present

Mr. Justice Muhammad Ali Mazhar Mr. Justice Arshad Hussain Khan

M/s. Al-Hussaini & Company (Pvt.) Ltd......Appellant

Versus

The Federation of Pakistan & others......Respondents

<u>27.10.2020</u>

Syed Amir Shah, Advocates for the Appellant a/w

Mr. Daanish Channa, Managing Director of the Appellant.

Mr. Gohar Mehmood, Advocate for NBP.

Muhammad Ali Mazhar, J: In this case the appeal has been preferred against the order dated 09.10.2020 passed in Suit No.766/2020 which is merely an order showing the filing of counter affidavit by the defendants No.2 and 3 which was taken on record by the learned single Judge with further order that the hearing of application may be fixed in second week of November, 2020. The order further shows that the counsel for the plaintiff himself sought time for filing of affidavit in rejoinder. No illegality apparently seems to have been committed while passing this order which is unnecessarily impugned in this appeal. Mr. Gohar Mehmood, Advocate appeared on behalf of National Bank of Pakistan (NBP) on notice issued under Order 43 Rule 3 CPC and requests for time to file vakalatnama in the office. The thrust of the argument of the learned counsel for the appellant is that the matter requires urgency and if injunction application pending in Suit No.766/2020 is not heard at an early date, the entire suit would become infructuous. The counsel for the NBP submits that the matter

is already fixed on 10.11.2020 but the counsel for the appellant requests for an early date. The appeal is disposed of with the directions to fix CMA No.5480/2020 filed by the appellant as plaintiff in the aforesaid suit for hearing on 04.11.2020 according to roster before the learned single Judge. Pending applications are also disposed of.

Judge

Judge

Asif