

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
H.C.A. No.186 of 2020

Date Order with signature of Judge

Before:-
Mr.Justice Muhammad Ali Mazhar
Mr.Justice Arshad Hussain Khan

Javed IqbalAppellant

V/s

Imran Butt & othersRespondents

09-11-2020

Mr.Salman Hamid, Advocate for the Appellant.
Mr.Usman Tufail Shaikh, Advocate for Respondent No.1
Mr.Hakim Ali Shaikh, Additional Advocate General.

Muhammad Ali Mazhar, J: Through this appeal the appellant has challenged the interim order dated 07.10.2020 passed by learned Single Judge in Suit No.1537/2020 (old Suit No.1106/2020), whereby the matter was adjourned for hearing on 27.10.2020 and till then the parties to the suit were directed to maintain status quo in respect of suit property.

2. Learned counsel for the appellant argued that since only the pleadings were to be exchanged and the appropriate order could have been passed after providing opportunity of hearing to the parties rather than passing interim order. He further submits that the matter was fixed on 27.10.2020 but it could not reach. He further argued that due to status quo order lawful constructions has been stopped. Learned counsel for the respondent No.1 submits that under Section 19 of the NAB

Ordinance notice has been issued by the NAB. He further submits that the respondent No.1 had entered into a sale agreement with the appellant and paid some amount. On the contrary, learned counsel for the appellant submits that neither the property has been attached by the NAB nor the appellant entered into any agreement with the respondent No.1.

3. Be that as it may, the order passed is an interim order and proper hearing is to be required on CMA No.6182/2020, which has been filed under Order 39 Rule1 and 3 CPC. Both the learned counsel agreed that some directions may be given to learned Single Judge to dispose of the injunction application on merits to an early date. The learned Single Judge is directed to dispose of CMA No.6182/2020 after hearing the parties preferably within a period of one month. Mr.Salman Hamid, learned counsel for the appellant submits that the matter is already fixed on 11.11.2020. Let it be fixed accordingly.

4. The appeal along with pending application is disposed of in the above terms.

Judge

Judge