

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
H.C. A. No.222 of 2020

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

Present

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

Imtiaz Ali Malik.....Appellant

Versus

Syed Raza & another.....Respondents

27.11.2020

Mr. Asad Iftikhar, Advocate for the Appellant.
Mr. Abdul Latif Leghari, Advocate for Respondent No.1.

Muhammad Ali Mazhar, J: Basically the appellant has impugned the order dated 02.11.2020 passed by the learned single Judge in Suit No.537/2018 with the directions to deposit the remaining amount of the agreement to sell within a period of one month and it was further observed that subject to deposit the remaining amount, till then interim order passed on 14.03.2018 will continue. The learned counsel for the appellant argued that though the suit was for specific performance but some intervenors also approached to claim the ownership, so it was a case of disputed title, therefore, there was no justification to pass the impugned order. We have gone through the prayer clauses in which the suit of the plaintiff is primarily based on the specific performance with additional prayer for possession. The order is still interim in nature as the time granted for compliance has not been lapsed nor the injunction application has been finally disposed of. Mr. Abdul Latif Leghari, Advocate has filed vakalatnama for the respondent No.1 on notice issued under Order 43 Rule 3 CPC. He is also of the view that if the plaintiff has any grievances, he would have filed proper application

before the learned single Judge rather than this appeal. After arguing at some length, the learned counsel for the appellant prefers to file application in the trial court for review of the impugned order subject to all just exceptions. The appeal is disposed of accordingly alongwith listed applications.

Judge

Judge

Asif

