

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P. No.D-735 of 2020**

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DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

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Fresh Case.

1. For order on Misc. No. 3523/2020
2. For order on office objection No. 1, 10 & 18.
3. For order on Misc. No. 3524/2020
4. For order on Misc. No. 3525/2020
5. For hearing of main case.

**Present**

**Mr. Justice Muhammad Ali Mazhar**  
**Mr. Justice Yousuf Ali Sayeed.**

M/s. Tuwairqi Steel Mills Limited.....Petitioner

Versus

Government of Sindh and another.....Respondents

**04.02.2020**

Mr. Khadim Hussain Thahim, Advocate for the Petitioner.

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**MUHAMMAD ALI MAZHAR, J.** The petitioner has challenged the order dated 28.01.2020 passed by learned single Judge in Second Appeal No. 118 of 2018.

Brief facts of the case are that on 28.09.2018, a learned single Judge of this court while issuing notice suspended the operation of the impugned judgment and decree thereafter this case was fixed on 13.05.2019 and the same learned single Judge while extending interim order added one condition that appellant will furnish solvent surety to the extent of decretal amount to the satisfaction of the Nazir of this court within 07 days.

Learned counsel for the petitioner argued that when this matter was fixed on 28.01.2020, the learned single Judge directed that unless

the amount is deposited within one week, the second appeal shall deem to have been dismissed due to non-compliance of order dated 13.05.2019. The learned counsel further submits that review application against that order has been moved i.e. CMA No.3111 of 2019 which is pending. He further submits that in case the interim orders are not complied with at the best an interim order could have been withdrawn/recalled rather than dismissing the whole appeal.

At his juncture, we have to be confined within limits of Article 199 of the Constitution wherein no writ can be issued against the order passed by single Judge in appellate jurisdiction. Petition is dismissed. However it is expected that learned single Judge of this court may pass some orders on the review application and petitioner may avail appropriate remedy in accordance with law.

**JUDGE**

**JUDGE**

*TariqAli/PA*

