

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

**Suit No. 701 of 2021**

Date	Order with signature of Judge
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1. For hearing of CMA No.5815/2021 (U/O XVIII R 5 CPC) :
2. For hearing of CMA No.5436/2021 (Stay) :

07.04.2021 : Mr. Muhammad Ali Lakhani, advocate for the plaintiff.  
Mr. Saad Abbasi, Law Officer of SECP.

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Learned counsel for the plaintiff requests that as all efforts to serve defendants 1 to 4 have failed and also as defendants 1 and 2 have been declared absconders in Criminal Case No.1344/2019 by the learned XXII<sup>nd</sup> Judicial Magistrate Karachi East, defendants 1 to 3 be restrained from departing Pakistan from any check post / port. He submits that such an order can be passed by this Court under Rule 2(1)(f) of the Exit from Pakistan (Control) Rules, 2010, which provides that the Federal Government may, by an order in writing, prohibit any person from proceeding from Pakistan to a destination outside Pakistan if he is involved in any case and his name is forwarded to the Government by the Registrar of a High Court, the Supreme Court of Pakistan or the Banking Court. I am of the tentative view that in view of Rule 2(2)(a) of the above Rules, the provisions of Rule 2(1)(f) *ibid*, relied upon by the learned counsel, shall not apply to the instant case as the dispute involved herein is a private one wherein the interest of the Government is not at stake.

In view of the above, let latest report be called from learned XXII<sup>nd</sup> Judicial Magistrate Karachi East in Criminal Case No.1344/2019. Also issue notice to the SSP and SHO concerned to produce defendants 1, 2 and 3 before this Court on the next date of hearing. To be listed on **24.05.2021 at 11:00 am**.

J U D G E