

**ORDER SHEET**  
**HIGH COURT OF SINDH, KARACHI**

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C.P. No.D-2014 of 2020

<b>Date</b>	<b>Order with signature of Judge</b>
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**Present**

**Mr. Justice Muhammad Ali Mazhar.**  
**Mr. Justice Amjad Ali Sahito.**

Maxco (Pvt) Ltd. ....Petitioner

Versus

Federation of Pakistan & others .....Respondents

**Date of hearing 05.05.2021**

Mr. Athar Zaheer Rizvi advocate for the petitioner.

Mr. Mujahid Bhatti advocate for the Faisal Bank.

Mr. Kamaruddin Junejo, Nazir, High Court of Sindh, Karachi.

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**Muhammad Ali Mazhar, J:** This petition has been filed to challenge the consolidated order passed in six banking suits by the learned Single Judge on 23.12.2019. At the very outset, we asked learned counsel for the petitioner to satisfy how this petition is maintainable against the order passed by the learned Single Judge of this court. Not only this, the petitioner has filed urgent application along with one more application under Order XXXIX Rule 1 & 2 CPC, whereby, request has been made for the suspension of the order dated 13.04.2021 passed by the learned Single Judge in Suit No.B-64 of 2014, Suit No. B-60 of 2015 and Suit No. B-32 of 2016.

Para-1 of the impugned order is reproduced as under:-

“1. The Nazir has submitted his report in compliance of the orders dated 04.09.2018, 21.02.2019, 19.11.2019 and 10.12.2020, which reflects that the matter was fixed

before him on 12.02.2021 but none of the tenants deposited the rent despite issuance of various notices and the tenants have remained failed to deposit the rent since 23.12.2019. The Nazir report is taken on record. He is directed to issue final notice to tenants and even after service of such notice the tenants failed to deposit the rent with him in compliance of the aforementioned orders, the Nazir shall seal the properties under tenancy.”

2. Nazir of this court as well as learned counsel for the Faysal Bank are present. Nazir submits that despite issuing various notices to the Tenants, they never came forward for the compliance of the court's order. He further submits that notices were issued to the 16 tenants out of which 5 have been served but they failed to deposit the rent in compliance of the court's order, therefore, Nazir is left with no other option except sealing the shops for which he was going today, however, learned Nazir has given clear statement that if petitioner's counsel will provide copies of all tenancy agreements by tomorrow at 12:00 noon with some undertaking to deposit the rent in compliance of the court order, the extension of time may be considered by the Nazir and report will be filed before the learned Single Judge in the above suits. The statement is also supported by the learned counsel for the Faysal Bank Limited. In view of clear statement given by the Nazir, the petitioner may comply with the requirement. Nazir further submits that if petitioner will fail to comply with the condition as mentioned above he will execute the court order in accordance with the directions given in the order dated 13.04.2021. We have already held

that against the order passed by the learned Single Judge either at original side of this court or in banking suit writ against that order is not maintainable keeping in view the expressed bar contained under Sub-Article (5) of Article 199 of the Constitution. The petition is dismissed, however, the petitioner may comply with the requirements as Nazir stated in court on his own accord and approach the Nazir's office accordingly for compliance.

JUDGE

JUDGE

Aadil Arab