

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. -1238 of 2022

[Jamil Ahmed Arijo v. Province of Sindh through Chief Secretary and others]

Order with signature of Judge(s)

1. For orders on CMA No.10296/2022 (Urgent Application)
2. For orders on office objection at flag 'A'
3. For orders on CMA No.10297/2022 (U/O XXXIX Rules 1 and 2 CPC)

01.07.2022

Mr. Ahmed Masood, Advocate for the plaintiff
alongwith Mr. Shariq A. Razzak, Advocate

1. Urgency granted.
2. Learned counsel for the plaintiff undertakes to comply with the office objection within a week.
3. Learned counsel for the plaintiff submits that despite orders passed by this Court in *Suit No. -1102 of 2022 [M/s. Umar Baloch Enterprise (Pvt.) Ltd. v. Province of Sindh through Chief Secretary and others]* yesterday, the plaintiff was not given opportunity to participate in the bid proceedings. Counsel states that seemingly the bid was closed at the sum of Rs.166,501,000/- (Sixteen Crore Sixty Five Lac One Thousand Rupees) and the bid has been awarded to the defendant No.5 behind closed door. Counsel by referring to page 347-A, states that his client has already made pay orders in the sum of Rs.32,039,359/- in favour the District Council Karachi being 20% of his bid, which he was intending to offer in the sum of Rs.290,000,000/- and requests if the said defendant match this bid, he has no cavil as those rights are to be protected, but without any loss to the exchequer.

Mr. Khalid Javed, Advocate has shown appearance in the Court and filed Vakalatnama on behalf of the defendant No.5, which is taken on record, and states that the plaintiff did not appear in the bid process and the bid was accordingly contested amongst five different individuals and the highest bid was offered by the defendant No.5, which was

accepted and he has deposited the amount and possession of the site has been handed over to the defendant No.5.

Be that as it may, since this Court by yesterday's order held that the defendant No.5 would have the opportunity to match the highest bid, the interest of the said defendant will not be prejudiced if the plaintiff's request is considered, however, subject to the availability of official defendants. Issue notice to the defendant Nos.1 to 4 for 02.07.2022, when matter will be taken up at 11:30 a.m. Let a copy of this order be faxed to the defendants, otherwise the counsel for the plaintiff takes responsibly of informing the department himself. Let Nazir to be present in the Court at that time.

JUDGE

B-K Soomro