

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. -1481 of 2022
[Faisal Hussain v. Rubina Anjum and others]

Order with signature of Judge(s)

1. For orders on CMA No.11585/2022 (Urgent Application)
2. For orders on office objection at flag 'A'
3. For orders on CMA No.11586/2022 (U/O XXXIX Rules 1 & 2 CPC)

12.08.2022

Mr. Aman Aftab, Advocate for the plaintiff

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 the plaintiff through a registered sale deed available at page 17 purchased the suit property being Plot No.L-942, admeasuring 80 square yards situated in Sector No.5-A/2, North Karachi Township, Karachi from one Syed Waqar Raza, who as evident from page 69 is holding indenture of lease in respect of the suit property as well as page 65 reflects that the property was duly transferred and mutated in his name. Counsel contends that when the plaintiff commenced construction on the said plot the private defendants in connivance of the area police started harassing the plaintiff. Per learned counsel, the plaintiff is already in possession of approved building plan issued by the defendant No.3. Counsel adds that the defendant No.1 filed criminal cases against the plaintiff, FIR No.1386 of 2021 in this regard is produced at page 97, which were false and frivolous. Counsel contends that the plaintiff being lawful owner of the subject property has all the rights to develop the same and properties are protected by the Constitution as well, and requests that the defendants' interference in peaceful enjoyment of the property and raising construction thereon in accordance with law, cannot be hindered

as per ill motivated acts of the defendants in collusion with the area police.

Issue notice to the defendants for **15.09.2022**. In the meanwhile, the defendants not to interfere with the peaceful possession of the suit property and they are further restrained from causing any unlawful hindrance in enjoyment of the said plot by the plaintiff and raising construction thereto in accordance with law, till the next date of hearing. Area Police is directed not to become a party to a private dispute and act in accordance with law.

JUDGE

B-K Soomro