

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. -1491 of 2022

[Isra Islamic Foundation (Guarantee) Ltd. and others v. Dr. Nazir Ashraf Lagari
and others]

Order with signature of Judge(s)

1. For orders on CMA No.11625/2022 (Urgent Application)
2. For orders on office objection at flag 'A'
3. For orders on CMA No.11626/2022 (U/O XXXIX Rules 1 & 2 CPC)

12.08.2022

M/s. Abid S. Zuberi, Ayan Mustafa Memon, Ali Abid Zuberi and
Muhammad Nawaz Khan, Advocates for the plaintiffs

1. Urgency granted.
2. Learned counsel for the plaintiffs undertakes to comply with the office objection within a week.
3. Learned counsel for the plaintiffs submits that the plaintiff No.1 is the Foundation as recognized under the Isra University Act, 1997, whereas, plaintiff No.2 is the University and plaintiff Nos.3, 4, 5 and 6 are the Chancellor, Acting Vice Chancellor, Registrar and Controller of Examinations respectively. Per learned counsel, the defendant No.1 is the suspended Vice Chancellor and defendant No.2 is the suspended Registrar, who had earlier issued notifications dated 19.10.2020 and 20.10.2020 regarding non-recognizing of the plaintiff No.3 as Chancellor of Isra University, which notices, per learned counsel, were suspended in earlier Suit No.1841 of 2020, filed by some of the plaintiffs. Learned counsel refers to section 3(2), section 7(1) and section 8(1) of the Isra University Act, 1997, whereby the plaintiff No.1 owns and controls the plaintiff No.2 i.e. Isra University and the Chancellor is to be appointed by the plaintiff No.1. Per learned counsel, plaintiff No.1 has appointed the plaintiff No.3 as Chancellor of the Isra University, who has appointed the plaintiff No.4 as Vice Chancellor. Learned counsel refers to order dated 23.12.2021 passed in Suit No.3058 of 2021, whereby the impugned

order dated 03.11.2021 and Circular dated 11.11.2021 were suspended protecting the plaintiff No.3's role as Chancellor of the University. He further submits that in the said Suit, this Court was pleased to direct the defendants to comply with the orders already passed in pending proceedings relating to Isra University, specifically the orders passed in Suit No.1841 of 2020 on 24.11.2020 and further, defendants were restrained to interfere in the affairs of the Isra University in violation and defiance of the Isra University Act, 1997.

Learned counsel submits that in violation of these orders, the defendant Nos.1 to 3 have issued Public Notices, available at pages 33 and 35, wherein misinformation has been spread and students have been asked to get confirmation and verification of their degrees issued by the plaintiffs from the defendant Nos.1 to 3. Learned counsel at this juncture refers to order dated 05.08.2022, passed in Suit No.-1438 of 2022, whereby the defendants were restrained from issuing any malicious, defamatory and scandalous statements by publishing or circulating in the social, digital and print media any such fake and false news against the plaintiffs/campuses of Isra University, Karachi, Islamabad and Hyderabad. Per learned counsel, on 06.08.2022 a false and frivolous FIR was lodged by the defendant No.3, alleging that the degree being issued by the plaintiffs were fake. Per learned counsel, such action and claims of the defendant Nos.1 to 3 are not only in violation of the orders passed by this Court in a number of pending litigations, including the above referred suits, but also are against the provisions of the Isra University Act, 1997.

Per learned counsel, the defendant Nos.1 to 3 are unlawfully interfering in the degrees awarded by the plaintiffs in respect of students studying at Karachi and Islamabad campuses, which

interference is causing serious prejudice to the plaintiffs as well as to the numerous students at the Karachi and Islamabad campuses.

Issue notice to the defendants for **16.08.2022**, when instant suit will be taken up alongwith aforesaid suits, which are already fixed on the said date, in the meanwhile, the defendants are restrained from interfering with the degree awarding process of the plaintiffs, and defendant Nos.1 to 3 or their subordinates are restrained from requiring the students of Isra University Karachi and Islamabad campuses from getting their degrees verified, attested etc. from them. Defendants are further restrained from initiating any action and/or from lodging complaints against the plaintiffs in relation to issuance of degrees of Karachi and Islamabad campuses, till the next date of hearing.

JUDGE

B-K Soomro