

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

H.C.A.NO.213 OF 2015

Date	Order with signature of Judge
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1. For orders on office objection/reply as at "A"
2. For hearing of CMA No.1889/2015
3. For Katcha Peshi
4. For hearing of CMA No.1891/2015

03.08.2015

Mr. Salahuddin Ahmed, Advocate for the appellants.
Mr. Muhammad Khalid Hayat Advocate for respondent No.4
alongwith Representative Mr.Zeeshan Habib Branch Manager.
M/s Syed Ghulam Shabbir Shah and Rana Ikramullah, Advocates for respondent
No.5.

Through instant appeal, the appellants have impugned order dated 10.7.2015, whereby, while issuing Notice on the Contempt application bearing CMA No.10167/2015, a learned Single Judge of this Court has directed respondent No.4 (Standard Chartered Bank) not to release or transfer any amount from the accounts as mentioned in the aforesaid application.

Learned Counsel for the appellants submits that the learned Single Judge while passing the impugned order has travelled beyond the scope of ad-interim order dated 5.12.2013 passed in Suit No.1544/2013, whereby defendants No. 1 (appellant No.1) & defendant No. 2 (respondent No.9) were restrained from utilizing in any manner the funds lying with respondent No. 4 in respect of account detailed in Para 18(d) of the plaint. Learned Counsel further submits that the account, which has been blocked / frozen, pertains to appellant No.1 and has got nothing to do with the pending proceedings, as the appellant No.1 is not a party to the Suit. Learned Counsel further submits that the appellants have not committed any contempt nor have violated the ad-interim order dated 5.12.2013 and the funds which have been transferred in the accounts of appellant No.1 have been done so from independent sources and not after passing of the ad-interim order as referred to hereinabove. Learned Counsel prays that the impugned order be set aside.

Conversely, learned Counsel for the Respondent No.5 submits that instant appeal being misconceived is not maintainable as the appellants have already filed an application bearing CMA No.10024/2015 in the aforesaid Suit, whereby they have sought identical relief, as is being sought through instant appeal. Counsel further submits that the interim order dated 5.12.2013 is in respect of the funds lying with

defendant No.5 in respect of account number as detailed in Para No.18 (d) of the plaint and therefore, interim order would also apply to any other account in which the funds are being transferred from the accounts mentioned in Para No.18 (d) of the plaint.

Counsel for respondent No.4/Standard Chartered Bank submits that they have acted in accordance with the directions of the learned Single Judge and have frozen the accounts of appellants, as the funds have been transferred in these accounts from TDR being maintained with them generated from the account number as stated in Para No.18 (d) of the plaint.

After briefly hearing Counsels for the respective parties at some length and on perusal of the record, it appears that the order impugned through instant appeal is interim in nature and has been passed on an alleged contempt of order dated 5.12.2013, whereas, while passing the said order, the learned Single Judge has already directed that all pending applications including the Contempt application shall be heard together. We have been informed that the matter is fixed before the learned Single Judge tomorrow i.e. 4.8.2015, when the contempt application as well as the application bearing CMA No.10024/2015, are fixed for hearing, whereby, identical relief has been sought against respondent No.4 regarding blocking / freezing of the account. Similar relief is being sought through instant appeal as well. The matter requires adjudication by the learned Single Judge as to whether any contempt has been committed in respect of ad-interim order dated 5.12.2013, whereby certain restraining orders in respect of funds lying in the accounts was passed.

In view of such position, we are of the view that let the matter / dispute with regard to blocking / freezing of account(s) of the appellant be decided finally by the learned Single Judge. Accordingly we dispose of the instant appeal by directing the learned Single Judge to decide the contempt application as well as the application bearing CMA No.10024/2015, preferably within a period of fifteen (15) days from today, whereafter, the aggrieved party(s) are at liberty to agitate their case strictly in accordance with law.

Instant High Court Appeal stands disposed of in the above terms.

JUDGE

JUDGE