

ORDER SHEET  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
Suit No.1808 of 2018

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DATE

ORDER WITH SIGNATURE OF JUDGE

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1. For order on CMA No.13620/18 (if granted)
2. For order on CMA No.13621/18 (U/O 39 Rule 1 & 2 CPC)
3. For order on CMA No.13622/18 (U/O 18 Rule 18 CPC)

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**28.09.2018**

Mr. Rehman Aziz Malik, Advocate for Plaintiffs.

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1. Granted.
2. This is a Suit for Declaration and Injunction. Learned Counsel submits that Plaintiffs are residents of Garden Area, and have challenged the illegal intended use of property bearing Plot No.394-A, Britto Road, Garden East Quarters, Karachi as Defendants No.5 & 6 are about to open a School on the said plot. Learned Counsel for the Plaintiff submits that property in question is still residential and he has referred to Sub-Lease of the property in question at Page-63 clause "j". Learned Counsel submits that until proper conversion of the land used is granted, the property cannot be used for any purpose other than for which the lease has been issued.

Let notice be issued to the Defendants for **19.10.2018**. Till the next date of hearing, the Defendants No.5 & 6 are restrained from using the property for any purpose other than as provided in the lease documents of the property in question.

3. Learned Counsel submits that since it is the case of the Plaintiffs that the School in question has not yet been opened, whereas, it is only a construction / alteration activity which is going on therefore, inspection be carried out. Application merits consideration. Accordingly, the same is allowed. Mr. Anwar Ali Assistant Registrar is appointed as

Commissioner to inspect the property in question who shall furnish his report as to the current status of the property and its usage. Commissioner's fee is settled at Rs. 25,000/- which is to be paid by the Plaintiff. Commissioner to carry out such exercise within a week's time from today without notice to the Defendants.

J U D G E

Ayaz P.S.