

ORDER SHEET

HIGH COURT OF SINDH AT KARACHI

HCA No.03 of 2020

Date Order with signature of Judge

1. For orders on CMA No.27/2020 (U/A)
 2. For orders on office objection a/w reply as at "A".
 3. For hearing of main case.
 4. For orders on C.M.A No.28/2020 (Stay/A).
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10.1.2020.

Mr. Abdul Qadir Khan, advocate for the appellant along with Mr. Khursheed A. Hashmi attorney for the appellant.

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1. Urgency granted.
2. Office objection to be complied with within seven days.

3&4. It is the contention of the learned counsel for the appellant that in presence of the application under Order VII Rule 11 CPC read with Section 70 of the Cooperative Societies Act 1925 filed by the present appellant (Defendant No.6) the learned Single Judge was not justified in passing the order dated 20.12.2019, whereby restoring the land passing through Plots No.C-21, C-22 and C-23 Block-B, Valley Road, KDA Officers Cooperative Housing Society Karachi. Learned counsel states that when the application under Order VII Rule 11 CPC is admittedly pending, no order should have been passed, which action according to him, is not in accordance with law. Learned counsel in support of his contention has placed reliance on the decision given by the Hon'ble Supreme Court of Pakistan in the case of *Raja Ali Shan vs. Messrs Essem Hotel Limited and others (2007 SCMR 741)*. Let in the first instance notice be issued to the respondent for 28.1.2020.

JUDGE

JUDGE