ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

SUIT NO.183/2021

Date | Order with signature of Judge

17.12.2021

Basil Nabil Malik advocate
Mr. Ejaz Shiraji advocate
Mr. Umair Bachani advocate
Syed Ziauddin Nasir advocate
Mr. Khilji Bilal DAG.

.....

Partly heard learned counsel for the parties.

Case of the defendants is that ***CPLC Neighborhood Care*** itself is allowing their members for commercial use of the properties on receiving certain charges, whereas such plea is denied by learned counsel for plaintiffs. Further, case of the defendants is that adjacent to subject matter property there are other properties with commercial activities allowed by plaintiffs and nuisance is caused by their commercial activities, not by the subject matter property.

The controversy, while perusing the claim of the defendant and denial of plaintiffs, requires inspection of the site so as to appreciate the issue before taking any steps/actions. Accordingly judicial propriety demands that Nazir shall inspect the subject matter property as well other properties within the vicinity with photographs; that report shall include details of residential houses allowed by plaintiff No.1 for commercial activities. Nazir would be entitled for a fee of Rs.25,000/- to be borne by the defendant.

To come up on 19.01.2022 at 11.00 a.m. for further hearing. Attendance of the contemnors is dispensed with. Interim orders passed earlier, in view of present order to continue till next date of hearing. Suit No.1808/2020 shall be tagged alongwith this suit.

J U D G E

IK