

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-44 of 2022

Date

Order with signature of Judge

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- 1.For hearing of CMA No.158/2022
2.For hearing of main case.

28-03-2022

Mr.Muhammad Ali Lakhani, Advocate for the Petitioner.
Mr.Abdul Razzak, Advocate for the Respondent.

After arguing the matter at some length, learned counsel for the petitioner submits that the petitioner will be satisfied if instant petition may be disposed of with the directions to the respondent to decide the application of the petitioner seeking restoration/regularization of additional floors constructed by the petitioner on subject plot No.2, Bunder Road (M.A.Jinnah Road) Misc. Area, Keamari Karachi in the name of M/s.Economic Engineering Limited afresh, after providing opportunity of being heard to the petitioner, through a speaking order preferably within a period of four weeks from the date of hearing the petitioner in accordance with law, and the letter of refusal i.e. B.R. No.169 (Item-IV) dated 21.12.2017 be set-aside as it does not contain any reasons, whereas, no opportunity of being heard was provided to the petitioner.

Learned counsel for the respondent does not oppose disposal of instant petition in the above terms, however, submits that disposal of instant petition in the above terms and any order as may be passed by respondent to the aforesaid effect may not affect the claim of either party in the Suit No.308/2016, pending before the learned Single Judge, which may be decided on its own merits on the basis of pleadings and the evidence may be adduced by the parties in accordance with law.

Both the learned counsel have agreed for disposal of instant petition in the above terms. It is, however, observed that in case any adverse order if passed by the respondent on the representation of the petitioner, the petitioner will be at liberty to seek further remedy as may be available to the petitioner in accordance with law.

The petition is disposed of in the above terms along with listed application.

Judge

Judge