

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

H.C.A. No.228 of 2022

Chairman Pakistan Railway
Versus
Syed Imtiaz Ali Zaidi and others

H.C.A. No.319 of 2022

Muhammad Ibrahim
Versus
Syed Imtiaz Ali Zaidi and others

H.C.A. No.320 of 2022

Noor Ahmed Shaikh
Versus
Syed Imtiaz Ali Zaidi and others

H.C.A. No.321 of 2022

Muhammad Zubair Shaikh
Versus
Syed Imtiaz Ali Zaidi and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Dated 23.11.2023

Mr. Manik, Advocate holding brief for Syed Samiullah Shah, Advocate for the Appellant in HCA No.228/2022.

Mr. Imdad Ali Saheto, Advocate for appellants in HCA Nos.319, 320 and 321 of 2022.

Mr. Anwar Ahmed Jalees, Attorney of Respondent No.1 Syed Imtiaz Ali Zaidi in all appeals is present in person.

Mr. Qazi Abdul Hameed Siddiqui, Assistant Attorney General.

Mr. Sandeep Malani, Assistant Advocate General Sindh.

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The appellants in these four appeals have not been arrayed in the title of the suit [suit No.104/2019] as being defendants and an order was obtained by Respondent No.1 that an action be taken with regard to the encroachers of the land. Respondent No.1 claimed to have derived the title from Karachi Municipal Corporation [KMC], whereas, the appellants have attempted to disclose that Pakistan Railway has auctioned different shops which were constructed on the subject plot described in the public notice as well as in the memo of plaint of aforesaid suit. The controversy perhaps revolves around as

to who drew the title and from whom i.e, either KMC or Pakistan Railway.

We have heard learned counsel for the appellants, attorney of Respondent No.1, who appeared in person, and also learned DAG and A.A.G.

Without commenting about the merit of these cases as to the entitlement of these occupants in occupation and also as to the authorities either of Pakistan Railway or KMC, we deem it appropriate to set aside the impugned order dated 01.06.2022 in all these appeals and remand the matters back to learned single Judge to decide the controversy after hearing the appellants, who have moved applications under Order-I Rule 10 CPC in the aforesaid suit along with other applications. It is expected that the pending applications be heard and decided at the earliest, as requested.

These appeals stand disposed of in the above terms along with pending applications.

Office to place a copy of this order in above connected matters.

JUDGE

JUDGE

Ayaz Gul