

ORDER SHEET  
HIGH COURT OF SINDH, KARACHI

High Court Appeal No. 379 of 2023  
High Court Appeal No. 380 of 2023  
High Court Appeal No. 381 of 2023  
High Court Appeal No. 382 of 2023

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Date:                      Order with signature(s) of Judge(s)  
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1. For hearing of CMA No.5148/2023
2. For order on office objection
3. For hearing of main case
4. For hearing of CMA No.4571/2023

**23.11.2023**

Mr. Ahmed Ali Hussain, advocate for the appellant in HCA No.379 of 2023  
Mr. Shariq Razaq, advocate for the appellant in HCA No.380 of 2023  
Mr. Ovais Ali Shah, advocate for the appellant in HCA No.381 & 382 of 2023  
Mr. Muhammad Zaheer-ul-Hassan Minhas advocate for respondent  
Mr. Sandeep Malani, AAG  
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Mr. Mohsin Khan advocate files Memo of Appearance of Ms. Azra Muqem advocate on behalf of respondent in HCA Nos.379, 380, 381 & 382 of 2023, which are taken on record.

These three (H.C.As No.379, 380 & 382 of 2023), impugns order dated 20.10.2023 passed in Suit No.1713 of 2023 and the fourth appeal bearing H.C.A. No.381 of 2023 impugns order of even date passed in Suit No.1693 of 2023 wherein the defendant/appellant was restrained from auctioning the rights for collection of Tax/fee for Milching Animals and for issuance of Health Clearance Certificate. It seems that this controversy has earlier been resolved when the auction was ordered to be conducted under the law and impugned order could in a way come in conflict with the orders of division bench in H.C.A. No.330/2023.

Thus in view of such facts Mr. Minhas submits that he would not object to fair and transparent mechanism adopted for re-auctioning the rights for awarding the contract of Milching Animals and for the issuance of Health Clearance Certificate of the animals.

Thus, as agreed the impugned orders in all these four appeals are set aside and the order of the Division Bench as identified above should be implemented and award be made at the earliest preferably in four weeks' time

from this order, as agreed. It is to be noted that in awarding such contract all efforts be made to maintain transparency, as required under law.

It is claimed by Mr. Ahmed that the possession of site has already been taken over by Town Municipal Corporation from respondent for onward process involving re-auction of the subject rights, to which Mr. Minhas has no grievances except as under.

Mr. Minhas submits that notwithstanding above order, the spirit of order passed earlier in Suit No.1082 of 2023 and 1148 of 2023 has not been followed as their claims have not been settled. It is agreed by both the counsel that notwithstanding the above independent process of re-auctioning the rights for above subjects, they would also attempt to settle the claims of the respondent No.10, however this would not derail or delay process of auction of the rights of Milching Animals and Health Clearance Certificate, which should be implemented as priority.

These High Court Appeals are disposed of in the above terms. Office is directed to place copy of this order in connected matters

JUDGE

JUDGE

*Amjad/PA*