

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

High Court Appeal No. 198 of 2022

Date	Order with signature of Judge
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1. For hearing of main case.
2. For hearing of CMA No.1845/2022.

07.11.2023

Mr. Asfandyar Jahangir advocate holding brief for Mr. Abdul Waheed Kanjo,
Advocate for the appellants.

Respondent Syed Kazim Raza present in person.

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We have heard the respondent appearing in person. Mr. Abdul Waheed Khanjo is not in attendance and brief is held on his behalf. We have perused the file. It appears that a suit for declaration, permanent injunction and recovery of amount of Rs.15,410,853/- was filed. Along with the suit an application CMA No.17591/2021 was filed whereby the respondent sought a restraining order that he may not be terminated by the appellants from the job. While hearing the application the learned single Judge passed the impugned order whereby the accounts of the Defendant No.1 M/S Rose Beauty Parlor (Pvt.) Ltd., was attached to the tune of Rs.15,410,853/-. This was neither an application for attachment of account nor any prayer under Order XXXVIII Rule 5 was disclosed in the affidavit. Furthermore the application itself seeking a restraining order that the respondent may not be terminated by the appellants from the job. The learned single Judge perhaps misread the application and while no such injunctive order is passed, the account of the appellants was attached though there was no such prayer, nor the affidavit discloses the requirement of Order XXXVIII Rule 5 CPC. In view of the above, the appeal is allowed and order is set aside.

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