

**IN THE HIGH COURT OF SINDH,
AT KARACHI**

H. C. A. No. 336 of 2023

Present:

Nadeem Akhtar, J
and Yousuf Ali Sayeed, J

Farid Shalwani-----Appellant

Versus

Muhammad Ali Taufiq and others-----Respondents

04.10.2023.

Mr. Saadat Yar Khan, Advocate for the Appellant.

YOUSUF ALI SAYEED, J. - The Appellant seeks to impugn the Order dated 18.09.2023 made by a learned Single Judge of this Court in Suit No.530/2020 pending on the Original Side, whereby his Application under Order XXXIX Rule 1 & 2 CPC, bearing CMA No.4356/2023, was dismissed.

A perusal of the aforementioned Application reflects that the Appellant/Plaintiff No.1 had sought that the present Respondents Nos.1 to 8 (i.e. the defendants in the underlying proceedings) be restrained from encashing certain cheques till final disposal of matter.

However, as it was stated during the course of proceedings before the learned Single Judge on the date in question that those cheques had already been presented, and as such statement was not controverted on behalf of the Appellant, the Application came to be dismissed with it essentially being observed that no case could conceivably be made out so as to restrain an event that had already transpired.

On query posed to learned counsel for the Appellant as to whether there was any error in what had been recorded by the learned Single Judge regarding what had been stated before him during the proceedings, no such assertion was forthcoming. Under the given circumstances, we see no error or infirmity marking the matter so as to warrant interference. Hence, while granting the application for urgency, we hereby dismiss the Appeal *in limine*, along with the other miscellaneous applications.

JUDGE

JUDGE

MUBASHIR