

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Suit No. 1279 of 2023

-----  
Date: Order with signature of the Judge  
-----

For hearing of CMA No.10990/2023

**09.10.2023**

Mr. Muhammad Aamir Khosa, advocate for the plaintiff  
Mr. Shahzad Mehmood, advocate for defendant

The present application reads as follows:

*“For the facts and reasons stated in the accompanying affidavit, it is prayed that this Honourable Court may be pleased to restrain the Defendant from trying to illegally evict the Plaintiff from the Suit Property being illegal being contrary to law and the same should be done with the due course of law. The Plaintiff is lawful tenant, and may be pleased to set aside illegal and unwarranted notices dated 04.05.2023 and 01.08.2023”*

Perusal of the affidavit in support thereof demonstrates that not a single ground has been pleaded in support of the application. Today, learned counsel for the plaintiff submits that while the application states otherwise, the only relief sought is to prevent the illegal dispossession of the plaintiff from the suit property.

Learned counsel for defendant submits that no illegal dispossession has ever been contemplated; it is apparent that the two impugned notices are in respect of illegal construction; and there is no reason why the same may be stayed and any illegal construction perpetuated.

Heard and perused. There appears to be no case for illegal dispossession made out and even the verbiage of the application is to the contrary; this is bolstered by defendant’s counsel’s submission that any action taken will be in accordance with law. Insofar as a declaration of tenancy is concerned, the same cannot be granted in an interim application. Finally, the two notices have been perused and it is manifest that they pertain to allegation of illegal construction. While the plaintiff remains at liberty to respond to those notices, no case is made out to restrain the entire process in these proceedings. In view hereof, the present application is found to be devoid of merit and is hereby dismissed.

**JUDGE**