

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

Suit 746 of 2024

Date: Order with signature of the Judge

1. For orders on CMA No.11425/2024
2. For orders on CMA No.11426/2024

19.08.2024

Ms. Rizwana Ismail, advocate for the plaintiff

1. Granted. 2. This suit pertains to illegal conversion / utilization of a residential property, being Plot No.43/16-A, Block-6, P.E.C.H.S. Karachi, as a school under the nomenclature of **CEDAR** Private Limited Company. Per learned counsel an interim application was allowed vide order dated 10.08.2024, operative part thereof is reproduced herein below:

*“For the foregoing reasons the CMA No.10199 of 2024 is allowed and the relief prayed for therein is moulded by giving directions to the Defendant No.11 to forthwith suspend the license granted by it to the Defendant No.8 for operating a school on the Said Property as prima facie the license has been issued arbitrarily by ignoring Regulation 18-4.2.2 and Regulation 25-5.2 of the Karachi Building and Town Planning Regulations, 2002 and with **further directions to the Defendant No.11 to ensure that until the final decision the Defendant No.8 does not commence its operations of a school on the Said Property.** CMA No.10263 of 2024 and CMA No.10312 of 2024 are correspondingly disposed of on account of such an order as having served their purpose.”*

(Underline supplied for emphasis)

Learned counsel submits that notwithstanding the subsistence of the order the alleged contemnors are running / permitting the use of the residential property for commercial / school purposes. Learned counsel refers to order dated 16.08.2024, passed in High Court Appeals No.268 and 269 of 2024, and submits that while the constituent was of the order suspending the license of the school was suspended, however, the directions to the defendants to ensure that until final decision of the suit the school does not commence operation on the suit property, remains in the field.

Issue show cause notice to the alleged contemnors pursuant to section 17(2) of Contempt of Court Ordinance, 2003 as to why the proceedings of contempt of court shall not be proceeded with there against. Adjourned to

27.08.2024; the alleged contemnors shall be present in person along with their replies; for consideration of framing of charge.

Notice may be issued to the learned Advocate General Sindh, per Contempt of Courts Ordinance 2003 as interpreted by a Division Bench of this Court in *Ekram ud Din Khan vs. DG FIA* reported as *PLD 2023 Sindh 90*, to appear in person (or designate an AAG) to assist initially with consideration of framing of charge, per Chapter XIX of the Code of Criminal Procedure 1908, and to act as prosecutor, if so required.

Judge

Amjad