

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

High Court Appeal No.207 of 2017

Irfan Wahid and another
Versus
Sheikh Imtiaz Hanif and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Hearing (priority) case

1. For order on office objection.
2. For hearing of main case.
3. For hearing of CMA No.1226/2017 (Stay).

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Dated 29.02.2024

M/s. Khaleeq Ahmed and Ali Raza Habb, Advocates for Appellants.
Mr. Hamza Hidayatullah, Advocate for Respondent No.1.

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There was perhaps some understanding between the plot owner and the contractor that he would raise construction. The impugned order reflects that they (appellants) raised construction but perhaps it was not lawful and in accordance with the bylaws of DHA. Be that as it may, we would not comment on it as of now, because the trial is yet to be concluded.

The parties have agreed that the Nazir, in terms of the impugned order, may takeover possession and appoint a *Chowkidar*, whose salary will be shared by both, appellants and Respondent No.1, in equal share; however, till the trial is concluded, the demolition may not take place, as the issue whether the construction is lawful or otherwise is yet to be decided. Order accordingly.

With this understanding, the appeal stands disposed off along with pending application(s).

JUDGE

JUDGE

Ayaz Gul