

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

H.C.A. No.117 of 2021

M/s Allied Engineering and Services (Pvt.) Ltd.
Versus
Habib Bank Limited and another

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

1. For hearing of main case.
2. For hearing of CMA No.1397/2021 (stay).

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Dated 29.04.2024

Chaudhry Atif Rafiq, Advocate for the Appellant.

Mr. Saleemuz Zaman, Advocate for Respondent No.2.

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The impugned order before us in fact recalled/modified the earlier interim order on an urgent application. On 01.07.2021 the matter was fixed before learned single Judge on an urgent application and the office has fixed it along with the injunction application. Surprisingly, learned single Judge, while declining the urgent application, went on to modify the interim order. This cannot be conceived; once the urgent application is dismissed, the learned single Judge would not have gone to hear the application which was otherwise not fixed. Had the urgency not been filed, it would not have come up for hearing. This could have been done after grant of urgency and hearing counsel. We therefore deem it appropriate to set aside the impugned order dated 01.07.2021 and remand the matter back to the learned single Judge to a stage where it was prior to the passing of the impugned order. It is expected that the injunction application be heard and decided at the earliest, preferably in three months' time, as suggested.

The appeal stands disposed of along with pending application(s).

JUDGE

JUDGE

Ayaz Gul