

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

H.C.A. No.504 of 2024

[Inchauli Cooperative Housing Society Ltd. Karachi Vs. Province of Sindh & others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Present:
Mr. Justice Muhammad Shafi Siddiqui C.J.
Mr. Justice Jawad Akbar Sarwana

Fresh case

1. For order on CMA No.3135/2024 (Urgency).
2. For order on office objection a/w reply as at 'A'.
3. For order on CMA No.3136/2024 (Exemption).
4. For hearing of main case.
5. For order on CMA No.3137/2024 (Stay).

10.12.2024

Mr. Faiz Durrani, Advocate for the appellant a/w
Ms. Samia Faiz Durrani and Mr. Shakeel Akbar Advocates.

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Muhammad Shafi Siddiqui, C.J: In a suit wherein the inquiry and investigation were challenged was pending adjudication and a number of applications were pending. While some interim orders were operating earlier, on 07.11.2024 on the listed applications the impugned order was passed. The conclusion of the impugned order was that since the counsel for the applicant was not in attendance and a brief was held by Mr. Zulfiqar Ali Advocate who requested for adjournment. Considering the nature of litigation the interim orders passed from time to time were recalled and the interim application was dismissed for non-prosecution. While Mr. Durrani argued this appeal and has taken us to the facts of the case, we enquired from him if any application for the restoration of the applications for such orders was filed, he answered in affirmative. This appeal as such is barred under the doctrine of election as once a remedy is availed by moving application for the restoration of an application, the second remedy in the shape of this appeal should not have been filed. Mr. Durrani, learned counsel, submits

that they are anticipating some coercive action against the respondents who are adamant to proceed further. Be that as it may, they are at liberty to move any such application for the interim reliefs since their earlier applications were dismissed. In case any application is moved for any of the reliefs, it may be taken to its logical end in accordance with law. This appeal, however, merits no consideration in view of the pendency of the restoration application before the learned single Judge. The appeal is dismissed in limine alongwith listed applications.

CHIEF JUSTICE

JUDGE

Asif