

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Date	Order with signature of the Judge
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Present:

Mr. Justice Muhammad Iqbal Kalhoro.

Mr. Justice Muhammad Osman Ali Hadi .

HCA No.230 of 2023

Airbiz Aviation Services Worldwide Appellant

Vs.

United Airways (BD) Ltd. & another Respondents.

10.02.2025.

Mr. Mehmood Hussain, advocate for Appellant.

Mr. Blosch Ahmed Junejo, advocate for respondent No.2.

Mr. Usmail Tufail Shaikh, advocate for respondent No.3

ORDER

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We have heard the parties at some length. The main grievance of the appellant is that when suit filed by the appellant was taken up on 13.03.2023, atleast four applications were fixed before the court, one of which bearing CMA No.11738/2017 was for contempt of court order. By the impugned order, learned Single Judge dismissed all the applications by observing that in view of frame of the suit, said applications are not maintainable.

2. Contention of learned counsel for appellant is that neither the said application (CMA 11738/2027) was heard nor any notice of such application was served in advance upon the parties, therefore, the impugned order to the extent of dismissal of CMA 11738/2017 for contempt is not sustainable. To a proposal that if contempt of some order of the court was committed by the alleged contemnor and still the alleged contemnor is in contempt, he can always file a second application before the same court, if the first application was dismissed by an inadvertent mistake, he has agreed to file a fresh application before learned Single Judge of this court in original suit and not press this appeal in the said terms. Learned counsel for respondents have no objection to it.

3. Accordingly, this appeal is disposed of as not pressed in the terms that if a second application as above is filed by the appellant/plaintiff in the suit, it would be subject to all exceptions and will be decided on its own merits without being influenced by this order.

The Appeal stands dispose of alongwith listed application.

JUDGE

JUDGE

A.K