

IN THE HIGH COURT OF SINDH, KARACHI

HCA No.D-242 of 2024

Present:

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Muhammad Osman Ali Hadi

1. For order on office objection
2. For hearing of main case
3. For hearing of CMA No.1432/24

24.03.2025

Mr. Ahmed Ali Hussain, advocate for appellant.

Mr. Muhammad Asad Ashfaq advocate for Respondent.

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ORDER

MUHAMMAD IQBAL KALHORO, J:- A suit was filed by respondent for recovery of certain amount against appellant. While the suit was pending, an application under order 13 Rule 5/6 CPC was filed for appointment of a receiver to attach the properties of the appellant /defendant to the extent of amount to be recovered. It appears that in the summer vacation on an urgent application CMA No.20998 of 2023, the matter was taken up and the Nazir was appointed as a receiver to attach the properties of appellant/defendant to the amount of Rs.19,431,848/-. The case of the appellant is that the appellant was not heard and this urgent application was taken up during vacation without any urgency and justification, and more importantly there was no material before the learned Single Judge to be satisfied about in respect of claim of the plaintiff and pass such order.

2. In any case, after hearing both the parties, since the order was passed without hearing the appellant/defendant, we set aside the same with consent and remand the matter to the learned Single Judge/trial Court to decide the said application within a one month after hearing both the parties in accordance with law on merits.

Accordingly, this High Court Appeal is disposed of.

JUDGE

JUDGE