

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI.**High Court Appeal No.320 of 2021**(Faisal Mia Noor **vs.** Province of Sindh & others)**Present:**

Mr. Justice Muhammad Iqbal Kalhoro.

Mr. Justice Muhammad Osman Ali Hadi

07.02.2025

Mr. Asad Iftikhar, advocate for appellant

Mr. M. Shahid Ansari, advocate for reinvents

Mr. Muhammad Hisham Mahar, AAG

ORDER

MUHAMMAD IQBAL KALHORO J: It appears that two suits i.e. Suit No.558/2021 and Suit No.-1563/2021 filed by the parties against each other are pending before the learned Single Judge of this Court on original side. On 08.12.2021, when both the suits were taken up, it seems that the learned Single Judge after hearing the parties passed the impugned order containing only two lines that the access provided to the plaintiff in Suit No.558/2021 of 20 feet be enlarged to 40 feet minimum. However, this order does not show the application on which this order was passed, the contentions of the parties, the prayer made in the application and the conclusive findings supported by the reasons, or the object, the access to which has been enlarged.

2. Even, we have observed that only plaintiffs were present and none on behalf of the defendant was present before learned Single Judge when this order was passed by him. We, therefore do not find the impugned order to be even a judicial order, which has to have all the fundamental as above to be categorized as a judicial order. Therefore, with consent, we set aside the same and remand the matter to the learned Single Judge to hear the application afresh and after hearing the parties, pass a fresh order in accordance with law.

This High Court Appeal is allowed in the above terms and is accordingly disposed of along with pending application(s).

J U D G E**J U D G E****Rafiq/P.A.**