

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
High Court Appeal No.332 of 2021

Date	Order with Signature(s) of Judge(s)
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For directions

For hg. of CMA No.3113/2023 (Contempt)

26.08.2025

Mr. Muzamil Hussain, advocate for appellant

Mr. Shahnsha Shamil Paracha, advocate for respondent Nos.2 & 3

Ms. Shazia Hinja, DAG

Muhammad Iqbal Kalhoro, J: This listed application has been filed purportedly against violation of an order dated 14.03.2022 deciding this appeal emanating from an order passed on an application under Order 39 Rule 1 & 2. While deciding the appeal, this Court has observed as under:-

- “3. In the meanwhile, in view of expiry of period of the above agreements, if the appellant fails to negotiate with the respondent for revising the terms of the earlier agreement(s) by enhancing the building utilization charges, along with production royalty, scientist stipend and all the utility charges etc. as per revised rate within a period of two months, the appellant shall vacate the premises and handover the physical vacant possession of the subject premises to the respondent within four months from the date of this order. This is however without prejudice to right and claim of both the parties which may be finally decided by the learned Single Judge in Suit No.2187/2017. It is expected that the learned Single Judge after recording evidence, may decide the subject suit at an early date, preferably, within a period of three months from the date of this order, provided both the parties shall not seek any unnecessary adjournments.”

The claim of the respondent is that the above direction has not been complied with and therefore, the appellant is in the contempt of Court's order *prima facie*. During arguments, it has transpired that original suit is still pending between the parties and some of the evidence has been recorded. The observation made by this Court is subject to determination through evidence of the parties and cannot be enforced simply on an application. When the original suit is pending defendant/respondent could take up the said plea before the trial Court for adjudication, instead of filing contempt application for enforcement of his rights, which are yet to be determined in addition to the pleas taken by him in the Suit. Therefore, we do not find any merits in this application and accordingly dismiss it.

The listed application stands disposed of in above terms.

JUDGE

JUDGE