

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 757 of 2012

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| Date | Order with signature of Judge |
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For hearing of CMA No.6391/2013 (U/S 3,6&12 OF C OF C ACT):

11/09/2013:

Mr. Mohamed Vawda Advocate for Mr. Adnan Iqbal
Chaudhry, Advocate for the plaintiff.

Mr. Khalid Latif, Advocate for the defendant.

Learned counsel for the plaintiff has drawn my attention to the order dated 16.4.2013 passed on CMA No.7523 of 2012 whereby the defendant was directed to deposit/hand over certain movable properties to the Nazir of this Court and the plaintiff was required to deposit an amount of Rs.19,81,867/- with the Nazir pending dispute between the parties. The plaintiff has complied with the order and deposited the amount so directed with the Nazir of this Court on 18.4.2013 and the defendant has not come forward to comply with the Court order.

The listed application (CMA NO.6391 OF 2013) fixed today is contempt of non-compliance of the said order and the ancillary order passed by the Court to get order complied. Since the Court has ordered for personal appearance of defendant, namely, Zulfiqar Ali Naqvi in Court and he was not appearing nor his lawyer was also not appearing, the Court was obliged to take the assistance from the police for production of defendant. Today Mr. Khalid Latif, learned counsel appearing for the defendant, has informed the Court that he has filed HCA Nos.79 and 80 of 2013 to get the order

set aside. Learned counsel for the plaintiff asserts that no stay has been granted in the said High Court Appeals and mere filing of an appeal cannot be considered as suspension of the said order. Mr.Khalid Latif, learned counsel for the defendant, has stated at the bar that by next Tuesday he will get the order suspended which is impugned in those appeals and in case of his failure to obtain order from the appellate court his client will comply the order dated 16.4.2013 on or before 25.9.2013.

To come-up on 26.9.2013 for compliance of the statement made at the bar by the learned counsel for the defendant.

JUDGE

S. Akhtar