

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1210 of 2013

Date	Order with signature of Judge
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FOR ORDERS ON CMA NOS:

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| 1. | 10246 OF 2013 | (IF GRANTED) |
| 2. | 10247 OF 2013 | (U/S 151 CPC) |
| 3. | 10248 OF 2013 | (U/O 39 R 1&2 CPC) |

26/09/2013:

Mr. Kashif Paracha, Advocate for the plaintiff.

1. Granted.
2. Exemption granted but subject to all just exceptions.
3. Learned counsel for the plaintiff says that he is lawfully entitled to continue hoarding, gantry signs and pole box signs for a period of one year. He has annexed NOCs issued by DHA which are available at pages 131, 163 and 167 for installation of hoarding, gantry signs and pole box signs showing date from 16th January 2013 to 15th January 2014, 30th July 2013 to 29th July 2014 and 5th March 2013 to 4th March 2014. Per learned counsel for the plaintiff the payment of the rights of aforesaid sites charged through advertisement tax which is payable to DHA as well as Cantonment Board in terms of NOC of DHA has been made and received by the DHA. However, similar payments had to be paid to the Clifton Cantonment Board which was being duly paid till August 2013 and for the quarter starting from September to December 2013 despite the reminders the Clifton Cantonment Board has not issued challans/bills which is the practice for the payment of advertisement tax to the Cantonment Board. The plaintiff's counsel claims that the defendants have auctioned their

sites for hoarding, gantry signs and pole box signs in terms of the open public auction notice without official cancelling plaintiff rights. The auction has taken place on 23.9.2013, 24.9.2013 and 25.9.2013. The public notice available at page 187 of the file does not disclose the details of the sites and their location. However, he has been informed that the three sites mentioned above have been auctioned and he is having apprehension that at any point of time plaintiff's hoarding, gantry signs and pole box signs will be removed by the defendants forcibly. The Nazir of this Court is appointed Commissioner to visit the three sites alongwith the plaintiff and take photographs to establish that the hoarding, gantry signs and pole box signs are intact today when suit has been filed. This exercise to be done today or latest by tomorrow 12.00 noon by the Nazir of this Court and submit his report in office forthwith alongwith the photographs. The Nazir fee of Rs.25,000/- to be paid in advance by the plaintiff. The Nazir is to inspect the site without notice to defendants. Till the next date defendants are directed to maintain status-quo in respect of three advertisement sites.

Office issue notice to the defendants for 11.10.2013.

JUDGE

S.Akhtar