

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 551 of 1991

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Date	Order with signature of Judge
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For hearing of CMA No.12641 of 2010:

08/11/2013:

Mr. Shabbir Ahmed Shaikh, Advocate for  
applicant/Defendants No.1 and 2.

Mr. Anwar Ali Shah, Advocate for alleged contemnors  
No.1 and 2/Defendant No.3.

Mr. Imran Ahmed, Advocate for alleged contemnor  
No.3/plaintiff.

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This is a contempt application (CMA No.12641 of 2010) in which the applicant has alleged that certain orders of this Court have been misquoted and deliberately misinterpreted to demolish the regularized construction of the premises. In this respect the applicant has referred to the letters dated 08.03.2010 and 1.4.2010 of alleged Contemnor No.2. Learned counsel appearing on behalf of alleged contemnors No.1 and 2 has argued that the demolition was in line with the orders mentioned in the said letters. Though, it is apparently not in line with the orders. However, without commenting on the final examination of this controversy the action taken by the KBCA Authorities against alleged Contemnors No.1 and 2 whereby they have claimed that the regularization was itself in violation of the Court orders, no action has been taken against the KBCA Officers who were equally responsible for regularization of the building plan in violation of the Court orders as well as the policy of KBCA. On query of the

Court that any action has been taken against the KBCA Officers who were equally guilty of violation of Court orders as well as the policy of KBCA in regularizing the building plan of Defendants No.1 and 2. The counsel is unable to give the names of officers concerned or action, if any, taken against them/him. Therefore, it is ordered that the contemnors should submit comprehensive report that under what circumstances the regularization of the building took place after sixteen years of the decree and it was found in violation of decree as well as KBCA Policy if no action has been taken against such officers they must be dealt with in accordance with law and the contemnors ensure that their said officers be present in Court on the next date i.e. 26.11.2013. The contemnors should also provide the record of all documents and noting/orders of the officers which persuaded them to regularize the building plan in Court within two weeks.

Adjourned to 26.11.2013 on which date positively report and record should come otherwise action will be taken against the violation of even this order passed today.

JUDGE

S.Akhtar