

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No. 957 of 2010

ORDER WITH SIGNATURE OF JUDGE

For Final Disposal

20.11.2013

Mr. Yawar Farooqui, Advocate for the Plaintiff.

Mr. Khurram Iqbal, Advocate for BOR.

Ms. Naheed Naz, State counsel.

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Today this case is fixed for final disposal, when the learned counsel for BOR and State Counsel have entered appearance. No counter affidavit has been filed. All the defendants have been declared as exparte as back as on 03.9.2012. Injunction order has already been passed on CMA No.6062/2010 suspending the operation of the Suo Moto notice of Case No.6/2010 initiated against the Plaintiff under Section 164(4) read with Section 179 of Sindh Land Revenue Act, 1967 till disposal of the suit. The examination of the prayer clause shows that by conduct of the defendants and subsequent order dated 03.9.2012 prayer clauses 'C' 'D' & 'F' stand granted. These were main relief in this suit as reproduced below.

'C' Declare that the 2nd Suo Moto Case No.6/2010, under Section 164(4) read with Section 179 of Sindh Land Revenue Act, 1967, in respect of Suit Land i.e. Naiclass 105, & Naiclass No.1, Deh: Thoming, Tappo Gujro, Scheme No.33, Karachi, is illegal, unlawful, unwarranted, coram-non-judice and malafide; hence liable to be quashed.

'D' Declare that the Suo Moto Case No.6/2010 and consequential Notice No.AEDO/REV-I/186/2010 Karachi dated 17.5.2010, is illegal, unlawful & malafide as such liable to be set aside/quashed.

'F' Suspend the operation of Notice No.AEDO/REV-I/186/2010 Karachi dated 17.5.2010, till final disposal of the suit or any such order as be deemed just and proper on the facts and circumstances of the case.

There is no dispute regarding title. Since there is no contest from the defendants' side, the purpose of filing of this suit seems to have been achieved. Restraining order has already been passed from taking any action on the basis of suo moto notice issued as referred to hereinabove.

This suit is disposed of in above terms. However, if any, fresh action is taken under similar circumstances or otherwise Plaintiff may file fresh suit.

Suit in terms above stands disposed of.

JUDGE

SM

