

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 995 of 2010

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Date	Order with signature of Judge
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FOR HEARING OF CMA NOS:

1. 6509 of 2010 (U/O 26 R 9 R/W S 151 CPC)
2. 7247 of 2010 (U/A 204 OF THE CONSTITUTION)
3. 7491 of 2010 (U/O 7 R 11 CPC)
4. 7735 of 2010 (U/S 151 CPC)
5. 8111 of 2011 (U/A 204 OF THE CONSTITUTION)
6. 2895 of 2013 (U/S 151 CPC)
7. For non-prosecution.  
(Notice of CMA No.8743/2010 not issued a cost not paid)  
(Personal affidavit filed by Defendant No.7)  
(Bailable warrant issued against Defendant No.7 through  
SHO P.S. Sachal, Malir, Karachi for 04.04.2013)

25/11/2013:

Qazi Khalid Ali, Advocate for the plaintiff.

Mirza Saeed Baig, Advocate for Defendant No.7.

Mr. Ahmed Pirzada, Advocate for Defendant No.8 –  
Board of Revenue Sindh.

Ms. Naheed Naz, Advocate for Advocate General Sindh  
for Defendants No.1 and 9.

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1. Learned counsel for the plaintiff does not press CMA No.6509 of 2010, which stands dismissed as inspection report is already filed.

2&5. Issue notice to the alleged contemnors as mentioned in the said applications.

3. Dismissed for non-prosecution.

4. Deferred.

6. This application is not pressed by the leaned counsel for Defendant No.7, which is dismissed. However, in the order dated 15.9.2011 the Defendant No.7 was directed to be present in Court

on every date and mark his attendance. He should supply copy of his CNIC to the Reader of this Court on every date.

7. Contempt applications have been filed by the learned counsel for the plaintiff. In view of non-compliance of order dated 6.7.2011 relevant portion of the said order is reproduced hereinbelow:-

“Thus, I have come to a conclusion that the controversy involved in the suit cannot be resolved without recording of evidence. The plaintiff is made out a good prima facie case in his favour to justify grant of injunction. Balance of convenience also appears to be in favour of the plaintiff who shall suffer irreparable loss if injunction is refused. Resultantly, this application is granted and interim order granted on 11.6.2010 is hereby confirmed.”

Counsel for the plaintiff has further informed that in spite of status-quo the Defendant No.7 continued raising construction. On the other hand, Defendant No.2, who is under the legal obligation to ensure that nobody should raise construction without approved plan or against approved plan, has failed to discharge its duty. The order dated 6.7.2011 is quite clear whereby the Defendant No.2 was directed by this Court to demolish unauthorized construction of said plot. Defendant No.2 appears to be avoiding to discharge his duty. In the circumstances Chief Executive Officer of Cantonment Board is directed to be present in Court on the next date of hearing.

Adjourned to 03.12.2013.

JUDGE