

IN THE HIGH COURT OF SINDH AT KARACHI
Suit No. 33 of 2013

Date

Order with signature of Judge

For hearing of CMA Nos.

1. 200/2013 (U/o. XVIII R-8)
 2. 201/2013 (U/o. 39 Rule 1 & 2 CPC)
-

16/12/2013:

Mr. Faiz H. Shah, Advocate for the Plaintiff.

Mr. Muhammad Idress, Advocate for the Defendant No.3.

1. Deferred.
2. Learned counsel for the KMC has brought to the notice of the Court the fact that plaintiff in this suit had earlier filed CP No.D-1419/2012, which was withdrawn. In that constitution petition present respondents were party and by order dated 10.10.2013, the Hon'ble Division Bench has specifically directed the official Respondents to conduct themselves strictly in accordance with law. Thereafter the same plaintiff filed an application under Order 1 rule 10 CPC to become a party in CP No.D-47/2010 and they had also filed an application for inspection of the premises. These applications are annexures E & F to the counter affidavit and their constitution petition was examined by a Division Bench of this Court in their order in CP No.D-47/2010 available as annexure-E to the counter affidavit. In the said order Hon'ble Division Bench after examining the constitution petition filed by the Plaintiff has ordered that there is no order which may come in the way of removal of encroachments, as ordered in the present CP (47/2010). Therefore, in view of the above orders of the Division Bench of this Court whatever interim orders have been passed

earlier are modified to the extent that the Defendant should not treat the earlier injunction orders in their way to execute the order of Hon'ble Division Bench nullified. Order in this suit can be interpreted to frustrate the orders passed in CP No.D-47/2010. Application is disposed of in the above terms and official respondents are at liberty to execute the orders passed in CP No.D-47/2010 in letter and spirit.

JUDGE

SM

