

Presented on 22/12/2022

IN THE HONOURABLE HIGH COURT OF SINDH AT KARACHI REGISTRATION NO. 11115.A.002

Suit No. 1981 of 2022

Ibrahim Nawroz Ali Bhamani  
Son of Nawroz Ali Bhamani  
Resident of House No. 304,  
P.I.B. Colony, Aminabad,  
Karachi

303

Plaintiff

Versus

1. Province of Sindh  
Through the Secretary,  
Land Utilization Department,  
Block 79, Pakistan Secretariat,  
Karachi
2. Cantonment Board Malir  
Through its CEO,  
Bostan Lines, Malir Cantt.,  
Karachi
3. Deputy Commissioner Karachi (Malir)  
Quaidabad Bus Stop,  
National Highway, Quaidabad,  
Karachi
4. Mukhtiarkar (Airport)  
District Malir,  
Karachi
5. Station House Officer  
S. Malir,  
District Malir, Karachi



Defendants

Suit for Declaration, Cancellation, Permanent Injunction and Damages

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Suit No Nil of 2022(2395)

Suit No Nil 2022(2394)

Suit No Nil 2022(2393)

Suit No Nil 2022(2392)

Date

Order with signature of Judges

1. FOR ORDER ON CMA NO 19485/2022
2. FOR ORDER ON OFFICE OBJECTIONS AT FLAG 'A'
3. FOR ORDER ON CMA NO 19486/22
4. FOR ORDER ON CMA NO 19487/22

22.12.2022

M/s. Ahmed Masood/ Muhammad Altaf, Advocates for Plaintiffs  
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1. Urgency is granted.
2. Office objections to be complied with within three days and after affixing Court fee, following order will take effect:

3. Since all these matters relate to same subject matter, therefore, this common order is passed. These are four connected Suits relating to plots leased out by Humair Associates (Pvt.) Ltd. to Plaintiffs bearing Nos.(1) FL-16, (2) FL-17, (3) FL-18 and (4) FL-19, Gulshan-e-Roomi, District Malir, Karachi – **Subject Plots**. Learned counsel has referred to earlier Decree of this Court in favour of predecessor-in-interest of above Humair Associates (Pvt.) Ltd. passed in Suit No.1502 of 2008, with regard to the survey numbers, in which the Subject Plots are located. He next has referred to the Land Development Permit dated 09.04.2009 issued by Defendant No.2 accompanied by the layout plan of Society Gulshan-e-Roomi (at page-103 in Suit No.-2305 of 2022), in which the Subject Plots are located. The imminent grievance is that without any notice, Defendants No.3, 4 and 5 are bent upon to occupy the subject properties. Contended that these Defendants are in league with land grabbers.

Issue summons and notice to the Defendants as well as learned Advocate General Sindh by all modes except publication



PAKISTAN  
COURT FEE

including electronic mode for 12.01.2023. Till the next date of hearing, parties are directed to maintain status quo and Defendants are restrained from interfering in the lawful possession of the Plaintiffs (in all Suits).

4. Through applications (in all Suits), Plaintiffs are seeking site inspection of the **Subject Plots**. In order to narrow down the controversy and forestall any further complication in the matter and considering the fact that such a site inspection will not prejudice the stance / pleadings of any of the parties – Plaintiff and Defendants, these applications [C.M.A. Nos.19487 of 2022, 19484 of 2022, 19481 of 2022 and 19490 of 2022 (in all suits)] are granted, so that current physical position of the Subject Plots should come before the Court, in the following terms\_

1. Nazir or his Nominee is appointed as Commissioner to thoroughly inspect the Subject Plots, within a week from today and furnish his Report before the next date of hearing, about the following:

- i. In whose ownership and possession at present the Subject Plots are;
- ii. General condition of the Subject Plots;
- iii. Any other fact necessary for ascertaining the dispute;
- iv. Photographs of the Suit Properties and adjoining vicinity, if required.

2. Learned Nazir should seek assistance from the Revenue officials / Defendants.

3. Nazir may also take assistance of Police, if required, and concerned S.S.P., will provide adequate police force to carry out the inspection.



4. Fee of the Nazir is fixed at Rs.25,000/- (for each plot) payable by the Plaintiffs.
5. Nazir will carry out the site inspection after notice to all the parties by all modes including Whatsapp and Telephone. However, site inspection will not be delayed or postponed if any of the parties is not coordinating / cooperating with the Nazir.
6. Learned Nazir will ascertain, <sup>first</sup> if the walls at the Subject Plots are found demolished, for which official Defendants cannot give any proper reasoning, then, Plaintiffs would be entitled to rebuild boundary wall(s) at their cost and expense.

Sd/- Muhammad Faisal Kamal Alam  
Judge



THE HIGH COURT OF SINDH, KARACHI  
CERTIFIED TO BE TRUE COPY

(MUHAMMAD SARFARAZ)  
J/C: ASSISTANT REGISTRAR (COPYING)

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23/12/22  
COMPARING BY/  
OFFICE ASSOCIATE

(MUHAMMAD SARFARAZ)  
J/C: ASSISTANT REGISTRAR (COPYING)