


DATE

ORDER WITH SIGNATURE(S) OF JUDGE(S)

1. For orders on CMA No 1516/2024 (I/A)
2. For orders on CMA No 1517/2024 (I/suspension)
3. For hearing of main case
4. For orders on CMA No 1518/2024 (Stair)

 15
01.07.2024

Mr. Arshad M. Tayebaly, advocate for the appellant
a/w M/s. Sameer Tayebaly and Talha Javed advocates.

1. Urgency granted.
2. Exemption is granted subject to all just exceptions.
- 3-4. At the very outset one of us namely Mr. Mohammad Abdur Rahman, J, pointed out that during his practice he had instituted certain litigation as against the appellant for specific performance and in respect of obtaining environmental NOC. Mr. Arshad M. Tayebaly had clarified that despite the same he had no objection if Mr. Mohammad Abdur Rahman, J, heard this matter.

Learned counsel for the Appellant seeks suspension of the impugned order dated 12.07.2024 on the ground *inter alia* that the learned Single Judge has placed reliance on various material that existed prior to the Addendum A to the Main Agreement dated 27 September 2004 dated 18 June 2019 (available on page 439 of the appeal) and which had redefined the obligations as between the Appellant and the Pakistan Defence Officers Housing Authority ("PDOHA"). He further submitted that as per Article 19 of the said Addendum there is a specific mode prescribed for severance of the Agreement which had allegedly not been complied by the PDOHA. He relied on a submission in Para 3 of the Counter-Affidavit of PDOHA made by the counsel for the PDOHA available at page 59 of the appeal, which states as follows:



"Therefore, plaintiff and its beneficial owner has failed to faithfully perform its obligation and the agreement is liable to be determined/repudiated/cancelled by the defendant in terms of clause 7 of the Master Agreement."

The Counsel for the Appellant apprehends that the PDOHA may interfere and disturb his peaceful possession and seeks interim relief vide CMA No.1518/2024.

Issue notice to the PDOHA for 12.08.2024. In the meanwhile, until the next date of hearing PDOHA is restrained from interfering and disturbing the peaceful possession of the petitioner subject to the right of parties as envisaged in Article 19 of the Addendum.

Ch
JUDGE


JUDGE