

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Civil Revision No. 01/2024

Waqar Ali Khan, etc.

Versus

Ch. Faisal Rasheed, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	02.01.2024.	Mr. Karamat Hussain Janjua, Advocate for petitioners.

Through this civil revision, petitioners have assailed the order dated 18.12.2023, whereby conditional status-quo order with regard to suit property has been passed by learned Additional District Judge-VI, Islamabad in appeal.

2. Learned counsel for the petitioners *inter-alia* contends that petitioners are not party in the civil suit titled Ch. Babar Rasheed & others vs. Zulfiqar Ali & others for cancellation of lease agreement dated 28.03.2017 and special power of attorney dated 28.03.2017 & permanent injunction, whereby trial court has not granted injunctive order at the pre-admission stage but in appeal first appellate court has passed the injunctive order till 02.01.2024 subject to condition that trial court is at liberty to

extend the status-quo order or can vacate the same, after hearing the parties; that first appellate court has no jurisdiction to pass such an order, even notice U/O XXXIX Rule 3 CPC has not been issued while passing the order; that no appeal is provided in terms of Order XLIII Rule 1(r) CPC, therefore, very exercise of jurisdiction by the first appellate court is illegal.

3. Learned counsel for the petitioners has been confronted qua the terms of impugned order, which ceased to exist today i.e. 02.01.2024 if not extended otherwise by the trial court. Such aspect has not been denied by the petitioners, therefore, instant civil revision is *disposed of* without any findings on the subject as timeline provided in the impugned order expires today, therefore, it is expected from the trial court seized with the matter to decide the application U/O XXXIX Rule 1 & 2 CPC in accordance with law.

(MOHSIN AKHTAR KAYANI)
JUDGE