

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

F.A.O.No126/2019
Muhammad Imran Uppal and another
Versus
Aamir Rashid and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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15.07.2019	Ch. Hasan Murtaza Mann, Advocate for the appellants
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Through the instant appeal, the appellants impugn the order dated 08.07.2019, passed by the learned Civil Court only to the extent whereby their application under Order XXXIX, Rules 1 and 2 C.P.C. filed along with their suit for declaration etc. was dismissed.

2. I have heard the contentions of the learned counsel for the appellants and the case law relied upon by him.

3. The appellants are yet to prove the terms and conditions of the oral agreement regarding the purchase of the business of “*ChikaChino*” by adducing evidence during the trial. The learned Civil Court has already dismissed the application filed by respondents No.1 and 2 for the rejection of the plaint in the appellants’ suit. A trial is yet to commence before the learned Civil Court.

4. I have also gone through the written statement and have formed the view that there are several contentious issues to be resolved during the trial. The learned Civil Court was correct in holding that the basis of the appellants’ claim was the oral agreement and negotiations which are alleged to have taken place on 04.05.2019. Therefore, I do not find any arbitrariness and illegality in the decision of the learned Civil Court

to dismiss the appellants' application for interim injunction.

5. In view of the above, the instant appeal is dismissed in *limine*.

(MIANGUL HASSAN AURANGZEB)
JUDGE

*Sultan**