

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD. **JUDICIAL DEPARTMENT.**

F.A.O. No. 37/2019

Arslan Khan Burki etc

Versus

Capital Development Authority through its Chairman etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(03)	07.11.2019	Mr. Muhammad Afzal Siddiqui, Advocate for appellants. Syed Riaz Hussain, Advocate for respondents/CDA.

Through this appeal, appellants have assailed the order dated 06.03.2019, passed by learned Senior Civil Judge (East), Islamabad, whereby, applications under Order XXXIX Rule 1 & 2 CPC and under XXVI Rule 9 CPC filed by the appellants have been dismissed.

2. Learned counsel for appellants contends that the appellants feel satisfied if a direction is issued to Trial Court for conclusion of main civil suit within reasonable time period.

3. Conversely, learned counsel for the respondents/CDA contends that the question raised in the instant F.A.O can only be resolved after recording of evidence and as such direction may be issued to Trial Court for early conclusion of the civil suit.

4. In view of above, the appellants are operating fuel station with right of way from Islamabad Highway (Shara-e-Islamabad) vide letter of permission dated 07.05.1994 and Kuri Road, which was constructed by them at their own cost as such the reasons for withdrawal of such permission by CDA vide letter dated

F.A.O No.37/2019.

23.01.2019 are yet to be settled by way of evidence, therefore, the propriety demands that injunctive order dated 15.03.2019 passed in C.M No.02/2019 should remain in field till final decision of the civil suit. Resultantly, learned Trial Court seized with the matter is directed to conclude the civil suit within a period of 06 months from the date of passing of this order under intimation to this Court.

5. The instant F.A.O stands **disposed of** in above terms.

(MOHSIN AKHTAR KAYANI)
JUDGE

R. Anjam.