

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.895 of 2013

Date _____ Order with signature of Judge _____

For hearing of CMA No.8159/13.29.07.2013.

M/s. Abid S. Zuberi and Muhammad Umar Lakhani, Advocates for Plaintiffs.

Mr. Khawaja Shamsul Islam, Advocate.

Mr. Muhammad Aslam Butt, A.A.G.

Mr. Abdul Sattar Samio, Director Hajj Karachi.

This order will apply in this suit as also in the connected suits Nos.796/2013 and 923/2013.

The application under consideration is a composite one, which can be regarded as having two parts. The first part is under section 152 CPC. Learned counsel for the plaintiffs submits that there is a typographical error in the order dated 25-07-2013 (which applies to this suit as also the two connected suits). In this regard learned counsel draws attention to the statement filed by the Ministry of Religious Affairs in connected Suit No.796/2013. As per this statement, the Hajj Quota made available by the Saudi authorities is 143,368. Of this, the quota availed in the Government scheme by the Government is stated to be 85,427. Learned counsel submitted that on this basis the revised quota, as available for the HGOs, comes to 57,941. Learned counsel submitted that these are the figures that should have appeared in paragraph 12 of the order dated 25-07-2013. As to this learned D.A.G. has no objection and confirms that an error has indeed occurred.

Accordingly, it is directed that in paragraph 12 of the order dated 25-07-2013, for the figure "89,605" wherever appearing, the figure "85,427" shall be deemed to have been substituted. Likewise, for the figure "53,533" wherever appearing, the figure "57,941" shall be deemed to be substituted. To this extent and in this manner, the present application stands allowed.

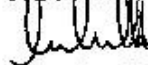
The second aspect or part of this application is a clarification that has been sought in the order dated 25-07-2013. Insofar as this clarification is concerned, learned counsel for the plaintiff submits firstly that there is an error apparent on the face of record and therefore the order is reviewable, and in the alternative submits

that in any case the clarification ought to be made of the order in terms as prayed under section 151 CPC. Insofar as the first submission is concerned, I have seen the order of 25-07-2013 and do not find any error on the face of record and therefore no review is possible. Insofar as the second submission is concerned, I drew the attention of learned counsel to paragraph 12, sub-para (p) of the order dated 25-07-2013 in which I have deliberately and specifically limited the right to seek any clarification to the Secretary of the Ministry. This has been done expressly and in my view constitutes a threshold requirement which had to be crossed by learned counsel for the plaintiff in respect of the clarification presently sought. I have considered the submissions made by learned counsel in this regard, and I am not satisfied that the threshold has been crossed. Accordingly, the second part of this application to the extent as noted in the last preceding paragraph does not succeed and is hereby dismissed. I may clarify that this dismissal is entirely without prejudice to the right of the plaintiffs in this or the connected suits to seek such remedy as may be available to them in accordance with law or in terms of the order dated 25-07-2013.

The present application is disposed off in the manner herein above stated. The office is directed to immediately send a copy of this order also to the Secretary of the Ministry and he is directed to act in terms of the earlier order and this order. Furthermore, this order may also be posted along with the earlier order dated 25-07-2013 prominently on the website to the Ministry.

SD/- Munib Akhtar
Judge

Certified to be true copy


Assistant Registrar (OS-II) 29/07/13

Copy Forwarded to Defendant No. 1 and 2:

1. The Federation of Pakistan, Through Secretary, Ministry of Haj, Islamabad.
2. Directorate of Haj, Haji Camp, Karachi.

for information and necessary compliance as per above Court's Order.


Assistant Registrar (OS-II) 29/07/13