

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-665 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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08.12.2021

Mr. Muhammad Sachal R. Awan advocate for petitioner.

Mr. Wali Muhammad Jamari Assistant A.G.

Agha Iftikhar H. Tareen advocate for respondent No.6.

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After hearing at some length, it has been informed that on the same cause of action, the petitioner filed a F.C. Suit No.246/2019 but plaint was rejected under order 7 Rule 11 CPC on the ground that it did not disclose a cause of action against which the appeal has been preferred before learned Additional District Judge Shahdadpur. Learned counsel for the petitioner submits that he intends to file a fresh suit on same cause of action after removing the lacunas / defects on the basis of which the plaint was rejected and he may be put on liberty to do the same. If the plaint is rejected, new suit / fresh suit is maintainable on the same cause of action in terms of Order 7 Rule 13 CPC. Therefore there is no need of permission by the court for that. With these observations, this petition is disposed of accordingly.

JUDGE

JUDGE

Ali Haider