

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

First Appeal No.S-02 of 2023

DATE ORDER WITH SIGNATURE OF JUDGE

1. For order on office objection.
2. For order on M.A No.91/2023.
3. For hearing of main case.

12.01.2026

Mr. Aziz Ahmed Laghari advocate for the appellant.

Mr. Nazeer Hussain Jarwar advocate for respondent No.1.

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After arguing the matter at some length, both the learned counsel, under instructions of their clients, state that they would be satisfied if the instant Appeal is allowed only to the extent of respondent No.1's claim against the appellant; however, the matter, to the extent of the respondent No.2/ defendant Teekam Puri Goswami s/o Haripur Goswami be remanded back to the learned trial Court for consideration as to whether the claim of the respondent No.1/ plaintiff against the respondent No.2/ defendant is made out or otherwise.

In view of above and by consent, the impugned Judgment dated 22-09-2023 and decree dated 26-09-2023 passed in Summary Suit No. 11/ 2021 by the learned 2nd Additional District Judge, Mirpurkhas are set aside to the extent of the claim of the respondent No.1/plaintiff as against the appellant/ defendant No.1 Waseem Qadir Memon, which stands dismissed. The matter is, however, remanded back to the learned trial Court to consider whether the claim of the respondent No.1/ plaintiff, as against the respondent No.2/ defendant is made out or otherwise after allowing opportunity to the respondent No.2/ defendant No.2. The learned trial Court may record further evidence for this purpose, if deemed appropriate and decide the matter in accordance with law.

The instant appeal is, therefore, disposed of alongwith pending application in above terms with no order as to the costs.

JUDGE

“Saleem”