

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

Criminal Miscellaneous Application No.S-414 of 2016

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|-------------|--------------------------------------|
| DATE | ORDER WITH SIGNATURE OF JUDGE |
|-------------|--------------------------------------|

1. For orders on office objection
2. For hearing.

15.12.2016.

Mr. Imran Ali Tunio, Advocate for applicant.

Syed Meeral Shah D.P.G. for the State alongwith ASI Muhammad
Dawood P.S A-Section Dadu.

-:-:-

Today, Mr. Imtiaz Ali Channa, Advocate files vakalatnama on behalf of private respondent No.1, who is also present in Court and has filed detailed parawise comments through his Counsel, in which exam schedule has been filed under which today the minors are taking their respective exams in the school and that is why could not attend the Court.

It has also been acknowledged by the applicant that the respondent No.1 has already filed Guardianship Application No. 30 of 2016 before the concerned Family Court at Dadu, which is fixed for hearing on 23.12.2016 on which date present applicant Mst. Nazeeran Begum will appear in that case and on that day all minors will be present before the concerned Guardian Court to meet their real mother. In this regard, learned Guardian Judge will also consider this fact that if it is observed during meeting that an estrangement seems to be created between real mother and the minors, then the learned Judge seized of the matter will pass appropriate orders of tentative nature by invoking Section 12 of the Guardian and Wards Act.

With the above observation and directions instant Criminal Miscellaneous Application stands disposed of.

JUDGE

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

R.A No. 78 of 2008

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For Regular Hearing.

15.12.2016.

Mr. Noor Ahmed Memon, Advocate for respondent No.1.

Mr. Ashfaque Nabi Kazi, Assistant A.G.

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On last date of hearing, one Mr. Riaz Ahmed Memon, Labour Officer of the applicant, appeared and requested for some time to engage a Counsel.

Though in the last order of 23.11.2016 it has been observed that on 15.04.2011 similar request was made, but only in the interest of justice time was granted to the applicant. Originally it was a IInd Appeal of 1996 which was later converted into a Revision Application vide order dated 29.10.2008. The issue involved in the matter is about payment of levy to the respondent No.1-Market Committee Badin. If the record of present proceeding is perused, it appears that applicant's side is not pursuing the matter in a diligent manner; rather there is negligence on their part.

In these circumstances, instant Revision Application is dismissed for non-prosecution.

JUDGE

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

IInd Appeal No. 47 of 2016

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| DATE | ORDER WITH SIGNATURE OF JUDGE |
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15.12.2016.

Mr. Naimatullah Soomro, Advocate for Appellant.

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M/s. Sundar Das and Rasheed Ahmed Soomro, Advocates, file powers on behalf of respondents No.1 and 2 and respondent No.3, respectively, and claim copies of this entire IInd Appeal. Counsel for respondents can obtain the sets of this appeal from the Branch and if the same are not available the appellant's Counsel undertakes to provide the same.

The R & Ps in the matter shall be called from the Courts bellow.

To come up after winter vacations. Interim order passed earlier to continue till next date of hearing.

JUDGE

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

IInd Appeal No. 58 of 2016

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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15.12.2016.

Mr. Riaz Ali Panhwar, Advocate for Appellant.

Mr. Ashfaqe Nabi Kazi, Assistant A.G.

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Rao Faisal Ali, Advocate, files vakalatnama on behalf of respondent No.1, which is taken on record.

Office is directed to call R & Ps in the matter from the Courts below.

To come up after winter vacations. Interim order passed earlier to continue till next date of hearing.

JUDGE

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

C.P. No.S-382 of 2016

| DATE | ORDER WITH SIGNATURE OF JUDGE |
|-------------|--------------------------------------|
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1. For orders on C.M.A 19419/16
2. For orders on office objection
3. For Katcha Peshi.
4. For hearing of C.M.A 4893/16
5. For orders on C.M.A 11604/16

15.12.2016.

Mr. Masood-ul-Nabi Bachani, Advocate for respondent No.1.

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It is contended, inter alia, that on account of restraining order passed in the case, the execution proceeding has been stayed. Therefore, urgency is granted. Office is directed to fix this matter on 12.01.2017. However, it is clarified that if petitioner's side on the date fixed fails to proceed with the matter, the stay granted earlier will be recalled.

JUDGE

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

C.P. No.S-1853 of 2016

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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15.12.2016.

Mr. Kanji Mal Menghwar, Advocate for petitioners.

Mr. Ashfaque Nabi Kazi, Assistant A.G.

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Learned Assistant A.G states that he has not received copy of the petition which will be provided by the learned Counsel for petitioners today to him and therefore, he waives notice of this petition.

To come up after two weeks. Interim order passed earlier to continue till next date of hearing.

JUDGE

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

C.P. No.S-1859 of 2016

| DATE | ORDER WITH SIGNATURE OF JUDGE |
|-------------|--------------------------------------|
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For orders as to non-prosecution of main petition, as notices not issued as costs and copies have not been supplied.

15.12.2016.

Mr. Anwar Rajput, Advocate for petitioner.

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Two days' time is granted to comply with the office note, failing which office is directed to fix this petition for non-prosecution.

JUDGE

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

C.P. No.S-1910 of 2016

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| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For orders as to non-prosecution of main petition, as notices not issued as costs and copies have not been supplied by the learned Counsel for petitioner.

15.12.2016.

Mr. Ameenuddin A. Khaskheli, Advocate for petitioner.

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It is submitted by the Counsel that compliance of the office note has been made. In this regard office to submit a fresh report.

Adjourned to a date in office.

JUDGE

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

C.P. No.S-1937 of 2016

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For orders as to non-prosecution of main petition, as notices not issued as costs and copies have not been supplied.

15.12.2016.

Mr. Faisal Ali Raza Bhatti, Advocate for petitioners.

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Two days' time is granted to comply with the office note, failing which office is directed to fix this petition for non-prosecution.

JUDGE

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

C.P. No.S-1955 of 2016

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For orders as to non-prosecution of main petition, as notices not issued as costs and copies have not been supplied.

15.12.2016.

None present.

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On 02.12.2016 when this matter came up for the first time, a detailed order has been passed wherein respondents were restrained from causing any harassment to the petitioners. Office note shows that neither copies of the petition are provided nor cost is paid, enabling the office to undertake further steps in the case. It appears that the earlier order has served the objective of the petitioners.

Today none is present on behalf of petitioners to explain such a default on their part as mentioned in the office note and observed hereinabove. Such a delinquent behavior on the part of petitioners is not acceptable, as if anyone, who sets the law in motion, is also liable to complete other formalities. In one of my decisions passed in C.P No.S-1819 of 2016, I have held that such type of cases are consuming time of genuine litigants and therefore, such type of litigation in which *bona fide* of the petitioner is highly questionable should be discouraged.

Consequently, this petition is dismissed being *de void* of any merits.

JUDGE

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

R.A No.56 of 2015

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|-------------|--------------------------------------|
| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For orders on C.M.A 2149/16

15.12.2016.

Mr. Ayaz Hussain Chandio, Advocate, holding brief for Mr. Imdad
Ali R Unar, Advocate for applicant.

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It is contended, inter alia, that lawful possession of the present applicant has been interfered with by respondents and if this matter is not heard at an early date, valuable interest of applicant shall be seriously jeopardized.

Urgency granted. Office is directed to fix this matter immediately after winter vacation.

JUDGE

Ali Haider

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

1st Appeal No. 29 of 2016

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| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For orders on C.M.A 2140/16

15.12.2016.

Mr. Faisal Nadeem Abro, Advocate for appellant.

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It is contended, inter alia, that appellant is behind bars and therefore, his affidavit could not have been sworn for which learned Counsel has moved an application for appointment of Commissioner so that he can administer oath to appellant for swearing his affidavit in Jail.

Subject to the point of maintainability of this Appeal that whether an appeal of the nature can be filed without filing an affidavit, this application for appointment of Commissioner is granted. Additional Registrar of this Court is directed to appoint any of the Court officials, who is authorized in this behalf for completing swearing of affidavits formalities, to visit the jail alongwith the appellant's Counsel for the purposes of swearing affidavit. This exercise be completed within a week from today.

Before next date of hearing, the Counsel is directed to file all such documents under his statement which show that when the summary suit proceeding had commenced, the present appellant was already behind the bars and for that reason he was unable to swear proper affidavit which became the main ground for passing of the impugned judgment.

At this juncture, it is necessary to observe that this is a first appeal, which is statutory right given to a person and on next date of hearing the Court is to take into account the fact that whether such a statutory right in favour of a

person/appellant can be diluted merely on the ground that affidavit of the appellant is not available with the appeal and the reason for non-swearing such an affidavit is that the appellant is behind the bars. In this regard, *force majeure* factors shall also be considered by the Court before passing the order on the maintainability of instant petition.

To come up after winter vacation.

JUDGE

Ali Haider

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

IInd Appeal No.28 of 2010
IInd Appeal No.31 of 2010

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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15.12.2016.

Mr. Sundar Das, Advocate for appellant in IInd Appeal No.
28/2010.

M/s Naveed Ahmed Khan a/w Mr. Farooque Hashmat and
Adnan Ahmed Khan, Advocates for appellant in IInd Appeal No.
31/2010 and for respondent No.1 in IInd Appeal No. 28/2010.

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The matter is to be adjourned owing to the fact that R & Ps of these IInd Appeals are not available, though on 25.10.2010, there was a specific order that R & Ps shall be called from both the Courts below. Office is directed to ensure that R & Ps in terms of the earlier order are called and tagged with these IInd Appeals so that they can be proceeded further. In this regard office is also cautioned to discharge their functions in a due diligence manner as the above order should have been complied by now.

Adjourned to 12.01.2017 (immediately after winter holidays).

JUDGE