

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**Suit No.189 of 2012**  
&  
**Suit No.1313 of 2012**

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Date	Order with signature of Judge
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**Suit No.189/2012**

- 1.For orders on CMA No.14065/2017
- 2.For orders on CMA No.14066/2017

**Suit No.1313/2012**

- 1.For orders on CMA No.14063/2017
- 2.For orders on CMA No.14064/2017

**20.10.2017**

Syed Hassan Imam, Advocate for the Plaintiffs.  
Mr.Qazi Ali Athar, Advocate for the Defendant.  
Mr.Tehmas H. Baig, Proprietor of the plaintiff in  
Suit No.1313/2012 and as attorney of the plaintiff  
in Suit No.189/2012 is also present.

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1. Urgent application filed by the plaintiff is granted.
2. The plaintiffs in both suits are proprietorship concern, whereas the defendant is common. The plaintiffs have filed these suits for damages, in which the defendant has filed separate applications under Section 34 of the Arbitration Act, 1940 with the plea that in the franchise agreement signed with the plaintiffs the Clause 34 pertains to the arbitration that in the event of any dispute the venue of arbitration shall be Islamabad and the parties have also decided that the courts at Islamabad shall have the jurisdiction to try the dispute.

Now the plaintiff has filed urgent application along with an application under Order 23 Rule 1 CPC in which they have agreed to file application for appointment of Arbitrator in terms of franchise agreement, therefore, they want to withdraw the suits. Learned counsel for the defendant himself relied on Clause 34 of franchise agreement, therefore, he has no objection if the suits are withdrawn and fresh proceedings are initiated in accordance with law in the courts at Islamabad. By consent the suits are disposed of accordingly. However, the plaintiffs may seek appropriate remedy in accordance with law.

Judge

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