

## ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI  
Suit Nos. 772, 815, and 1158 of 2010

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Date	Order with signature of Judge
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1.For hearing of CMA No.13761/2017  
2.For hearing of CMA No.13762/2017

07.11.2017

Mr. Salahuddin Ahmed advocate for the plaintiffs  
Mr. Amel Khan Kasi advocate for the K-Electric.  
Syed Shakeel Ahmed, Assistant Manager, H.R., K-Electric.

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On last date of hearing one of the plaintiffs Syed Waseem Ahmed (Plaintiff No.31 in person) raised the objection regarding calculation of dues on which the court directed the learned counsel for the K-Electric to call authorized person from the H.R. Department. Today Syed Shakeel Ahmed, Assistant Manager, H.R. K-Electric is present but the plaintiff Syed Waseem Ahmed is called absent. Mr. Saleem Ahmed advocate intimated that due to death of his aunty, he could not come.

On 28.09.2017 consolidated issues were settled in Suit Nos.772, 815 and 1158 of 2010. Mr. Salahuddin Ahmed, learned counsel for the plaintiffs has filed application for appointment of Commissioner to record evidence. On 31.10.2017, Mr. Khurram Ashfaq, Advocate appeared for K-Electric and requested for time to file reply of the application for appointment of commissioner. Today, Mr. Amel Khan Kasi, Advocate is appearing for K-Electric and he is also making the same request. The suits are pending since 2010 and issues have been settled in the year 2017. If the commissioner is appointed it will not prejudice the interest of any party but it would advance the cause of justice. Mr. Amel Khan Kasi, Advocate has robustly opposed the appointment of Commissioner but he failed to point out any lucid justification to oppose the application as taking steps for early decision in

the matter for recording evidence on commission to save time of the parties cannot be termed as erroneous or an act against principle of natural justice rather it is in the interest of justice for both the parties to come out of litigation as earlier as possible. In fact the appointment of commissioner for an early disposal is a step ahead to curtail and/or minimize the backlog to some extent of original side of this court as immediately after recording evidence on commission the matter will be fixed for arguments. This application (CMA No.13761/2017) is allowed as I do not deem it proper to grant further time to file reply of this application.

Mr.Dilawar Hussain, Advocate is appointed commissioner to record evidence. The commissioner fee shall be Rs. 15000/- (Rupees fifteen thousand only) per witness which will be paid by the parties for their respective witnesses. The parties may file their affidavits in evidence with documents before the Commissioner. The Commissioner shall not grant any undue or unnecessary adjournment to any party and in case of default he may also impose the cost and close the side of the defaulting party. The commissioner shall conclude the commission within four months.

Office is directed to place copy of this order in all connected suits listed above.

JUDGE

Aadil Arab

