

**ORDER SHEET**  
**HIGH COURT OF SINDH AT KARACHI**

**H.C.A. NO.212 OF 2014**

Date

Order with Signature(s) of Judge(s)

**Present**

**Mr. Justice Muhammad Ali Mazhar**  
**Mr. Justice Abdul Maalik Gaddi**

Jehangir Khanji

.....

Appellant

Versus

Sahibzada Ghulam Muhammad Khan  
 & others

.....

Respondents

**24.03.2017**

None present for the Appellant

Mr.Asim Mansoor Khan, D.A.G.

-----

**Muhammad Ali Mazhar-J.** This High Court Appeal has been preferred against the order dated 23.7.2014 passed by learned Single Judge (O.S) in Suit No.1178 of 2011 whereby the Nazir was appointed Commissioner to inspect the Juna Garh House and submit his report regarding the status of the property whether it is being used as marriage hall or any other purpose. This H.C.A. was fixed before the learned Division Bench on 7.8.2014, when while issuing notice to the respondents the operation of the impugned order was suspended.

2. Today, we called the matter twice but neither the appellant has appeared nor his counsel. On 30.1.2017

Ms.Rukhsana Ahmed, Advocate for the appellant filed an application (CMA No.4003/2016) under Rule 50 of the Sindh Chief Court Rules for discharge of her Vakalatnama. The application was allowed with the directions to the office to issue notice to the appellant for making alternate arrangement. The notice was issued to the appellant. When this matter was called in the first round Mr.Asim Mansoor Khan, learned D.A.G. informed us that according to his information the suit has been disposed of, therefore, we also called the suit file of Suit No.1178/2011, which reveals that on 5.10.2016 the plaintiff in the suit who is respondent No.1 filed a statement through his attorney that he does not press the suit and the learned Single Judge dismissed the suit as not pressed. The impugned order was suspended on 7.8.2014 and since the suit has been dismissed as not pressed, therefore, the question of conducting inspection by virtue of the impugned order does not arise.

3. In view of the above position, this appeal has become infructuous virtually and this may be the reason that nobody has appeared for the appellant. The High Court Appeal is disposed of accordingly along with pending application.

Judge

Judge