

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No. B-82 of 2010

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| Date | Order with signature of Judge |
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- 1.For order on CMA No.5528/2018
- 2.For order on CMA No.5529/2018

10.04.2018

Mr. Ghulam Abbas Pishori advocate for the plaintiff.
Mr. Khadim Ali Metlo advocate for the respondents.
Ansar Hussain Memon, attorney of the plaintiff.
Khawaja Zaheer Ahmed, defendant No.3.

This suit for recovery was decreed on 28.03.2012, however, the defendant No.1 to 6 filed J.M. No. 55/2014 under Section 12(2) C.P.C. to set aside the judgment and decree dated 28.03.2012. Vide order dated 30.03.2018, the J.M. No.55/2014 was allowed and the impugned judgment and decree dated 28.03.2012 was set aside with the directions to the applicants to file their leave to defend application within two weeks. Learned counsel for the plaintiff submitted a copy of order passed in J.M. No. 55/2014 which is taken on record. After resurrection and revival of the proceedings, learned counsel for the plaintiff and defendant No. 1 and 3 jointly moved urgent application which is allowed. They have also moved CMA No. 5529/2018 under Order XXIII Rule 3 C.P.C. to show that the plaintiff has settled the matter with defendant No. 1 and 3. Along with compromise application, the copy of power of attorney issued by the plaintiff in favour of Ansar Hussain Memon is attached in which attorney has been given

power to enter into compromise. Attorney Ansar Hussain Memon is present he has also filed affidavit in support of compromise application duly verified by Identity Section Management System (ISMS) department of this court. The defendant No.3 Khawaja Zaheer Ahmed is present and he has also attached copy of board resolution passed by the board of directors of the defendant No.1 through circulation on 03.04.2018, whereby, being the C.E.O the defendant No.3 has been authorized to entire into compromise on behalf of defendant No.1. His affidavit is also attached in support of compromise application which is duly verified by Identity Section Management System (ISMS) department of this court. To a query raised by this court, the defendant No.3 submits that the defendant No.4 is his wife, whereas, the defendant No.6 is his son. Whereas, the defendant No.2 is father of defendant No.5 but they are the ex-directors and at present according to the learned counsel for the plaintiff and the defendant No. 1 & 3, they have no nexus with this compromise. Since the plaintiff and defendant No.1 and 3 have settled some modalities to resolve their dispute amicably in the compromise application, therefore, the application is allowed and suit is decreed in terms of compromise. However, the suit against defendant No. 2, 4, 5 and 6 is dismissed as withdrawn. So far as the withdrawal of criminal complaint mentioned in paragraph No. 6 of the compromise application is concerned, the parties will move appropriate application in accordance

with law. Office is directed to attach copy of compromise application with the decree.

JUDGE

Aadil Arab

