

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No.1202 of 1996

Date	Order with signature of Judge
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For Evidence _____

06.04.2018

None present.

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This suit was filed on **05.11.1996** for recovery of **Rs.33,48,470/-** from the defendant. On **02.11.1998** consent issues filed by the parties were adopted and since then the suit has been listed for evidence of the plaintiff several times. It was dismissed for non-prosecution on **12.08.2005**. However, it was restored on **13.11.2006** then again no affidavit-in-evidence was filed nor it is available on the Court File. One time morning it was declared that affidavit-in-evidence was filed but it was missing from the record. In this context following orders reproduced below are worthy of consideration:-

14.12.2012

Ms. Shazia Hanjra, advocate for plaintiff.

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None is present for the defendants. Learned counsel for the plaintiff has advanced her arguments. She also referred the evidence of the plaintiff. But no such evidence is available on record. The order dated 20.08.2008 shows that the evidence of the plaintiff was adduced in the shape of affidavit-in-evidence but the same is missing from the file. **The office is directed to trace the affidavit-in-evidence of the plaintiff and submit the same before next date of hearing.**

Meanwhile, the learned counsel for the plaintiff is also permitted to file the copy of such affidavit-in-evidence of the plaintiff as the order dated 20.08.2008 shows that no cross-examination was conducted by defendant party, who never attended the Court after 14.11.2005.

To come up on 20.12.2012 for further arguments, if any.

20.12.2012

Ms. Shazia Hanjra, advocate for plaintiff.

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In compliance of earlier order of this Court dated 14.02.2012, the learned counsel for the plaintiff has filed copy of affidavit-in-evidence of the plaintiff together with relevant documents, **but the office has submitted in their report that the original affidavit-in-evidence, if filed earlier, could not be traced out.** In the circumstances, the plaintiff is required to file a fresh affidavit-in-evidence **so that it may be treated as part of his evidence and thereafter the matter shall come again for arguments.**

Adjourned to 30.01.2012, to be fixed according to the Roster. Not to be treated as part-heard.

Then the above order on **18.10.2016**, it was again ordered as follows:-

However on 20.12.2012 this Court ordered based upon the foregoing that **“plaintiff is required to file a fresh affidavit-in-evidence so that it may be treated as part of his evidence** and thereafter the matter shall come again for arguments.” Perhaps in oversight the matter was kept repeatedly for further arguments thereafter.

In the circumstances let this matter be taken upon for further evidence of the plaintiff on 25.10.2016.

From 20.12.2012 the plaintiff has not filed fresh affidavit-in-evidence till date.

Even on **18.10.2016** no one was present and on subsequent dates and neither the plaintiff appeared nor their counsel has filed affidavit-in-evidence of the plaintiff. Therefore, this suit is dismissed for want of evidence.

JUDGE