

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No.986 of 2008

Date	Order with signature of Judge
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1. For orders as to maintainability of the suit
(in view of the order dated 24.4.2018)
2. For hearing of CMA No.392/2013
3. For Examination of parties / settlement of issues.

02.05.2018

Mr. Liaquat Zaman, advocate for the plaintiff a/w
Ghulam Shabbir Malik, witness / authorized officer.

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Nazar Akbar.J., This is a suit for cancellation of documents and damages. On the previous dates looking into the plaint the counsel for the plaintiff was directed to satisfy the Court on maintainability of the suit. Learned counsel has failed to satisfy the Court on the point of maintainability. Therefore, suit is dismissed for the reasons as follow:-

- i. There is no specific document registered with any authority, which is required to be cancelled. Plaintiff in prayer clause (a) seeks cancellation of the documents filed by defendants in various litigations mentioned in para-4 to 9. All those litigations have been decided in favour of the plaintiff. Therefore, irrespective of the facts that those documents are registered are not the Court has already denied any right to any property to the defendant on the basis of said document. This prayer is misconceived.
- ii. The cause of action for damages is said to have been on the ground of different civil litigation and in para-3 of the plaint it has been categorically stated that most of the litigations have come to an end in 2003, therefore, even for the damages the suit against the said defendants is hopelessly time barred since it was filed in 2008.

iii. Each and every defendant is independent person, therefore, independent damage, if at all, has been caused to the plaintiff on the basis of different documents as well as in respect of different properties. The plaintiff may join different causes of action against one person but he cannot join different persons and their different action in one case for damages. Therefore, the defendant cannot be jointly and severally sued for damage since they are different person and there is not any specific amount of compensation is claimed in the pliant.

JUDGE

SM