

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
RA No.18 of 2017

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| Date | Order with signature of Judge |
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1. For hearing of CMA No.1682/2017 (stay)
 2. For hearing of Main Case
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29.05.2018

Mr. Muhammad Arif, advocate for the petitioner.

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Learned counsel for the applicant has challenged the exparte dismissal his suit for specific performance. It was suit for specific performance of a contract dated **22.3.2008** and the suit was filed in **2010**. The respondents have remained un-served and therefore, proceedings were exparte. However, the plaintiff has failed to establish the case before the trial Court since he has not produced marginal witness of the agreement of sale and witness of payment of a sum of Rs.8,00,000/-. In view of the fact that requirement of **Section 17 of Qanun-e-Shahdat Order, 1984** was not fulfilled by the applicant / plaintiffs. Since there was no evidence, the trial Court has rightly dismissed the suit for want of evidence. Halfhearted appeal was also dismissed on account none appearance of counsel for the appellant. I do not see any infirmity in the two orders below, therefore, this appeal is dismissed.

JUDGE