ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI

Suit No.277 of 2011

Date Order with signature of Judge

For hearing of CMA No.11951/2017

20.11.2017

Ms.Saira Shaikh, Advocate for the Plaintiff. Ms.Amina Salman, Advocate for the Defendant No.1.

This suit was fixed for final disposal on 18.8.2017, when the counsel for plaintiff was stated to be busy before another bench and one Mr.Arshad Ali, Advocate held brief. Since the plaintiff and their counsel were not present the suit was dismissed by the learned Judge of this court. The plaintiff's counsel has filed an application for recalling the order dated 18.8.2017 for restoration of this suit to its original position. Counsel for the defendant No.1 submits that the defendant No.1 was debarred from filing written statement on 1.10.2013, however, application (CMA No.4114/2014) under Rule 159 of SCCR was filed for recalling the order passed by Additional Registrar, which is still pending. She argued that she will not oppose the restoration application filed by the plaintiff provided that their written statement is taken on record and they may be allowed to contest the suit on merits. By consent of the learned counsel the suit is restored to its original position and the written

statement is taken on record. Since the written statement has been taken on record, the office is directed to fix this matter for settlement issues and as the matter now may not be fixed for final disposal.

The interim order passed earlier to continue till next date.

The CMA Nos.11951/2017 and CMA No.4114/2014 are disposed of in the above terms.

The pending application may also be fixed for hearing along with settlement of issues.

Judge

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