

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH, KARACHI  
Suit No.757 of 2012**

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Date	Order with signature of Judge
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- 1.For orders on CMA No.16759/2017.
- 2.For orders on CMA No.16760/2017.
- 3.For orders on CMA No.16761/2017.

**06.12.2017**

Ms. Amna Usman, Advocate for the Plaintiff  
a/w Mr. Saleem Adil, Company Secretary of Plaintiff.  
Mr. Khalid Latif, Advocate for the Defendant.

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1. This is a suit for mandatory injunction, recovery and damages. The counsel for the plaintiff has filed the urgent application which is allowed.
  
2. The plaintiff's counsel has also filed an application under Order 23 Rule 1 CPC for the unconditional withdrawal of this suit. The application is supported by the affidavit of duly authorized representative of the plaintiff Saleem Adil son of Nasim Adil. The board resolution dated 30.11.2017 has already been submitted by the plaintiff's counsel through a statement which is taken on record. Plaintiff's representative Saleem Adil is also present in court, whereas the counsel for the defendant is also present and has no objection to the withdrawal of this suit. Between the same parties one more Suit No.248/2012 was also pending which has been disposed of today by this court. In view of this statement, this suit is also disposed of accordingly with pending applications.

3. In this suit counsel for the plaintiff and defendant both have jointly filed application (CMA No.16761/2017) in which it is stated that the plaintiff may be allowed to withdraw the amount of Rs.19,81,867/- along with interest accrued on it, deposited with the Nazir of this court pursuant to the order dated 21.03.2013. Immediately after this I called the Nazir's report. The Nazir has submitted copy of General Ledger to show that the amount was deposited in the connected Suit No.248/2012 by the JAAG Broadcasting System (Pvt.) Limited., who is the plaintiff in this suit, therefore, the proper application may be moved in Suit No.248/2012 for the withdrawal of amount. Both the learned counsel have agreed that they will file joint application in Suit No.248/2012 for the release of the amount. On this statement this application (CMA No.16761/2017) is dismissed as not pressed. The Nazir's report dated 6.12.2017 is taken on record. Since this is a consolidated report, the office is directed to place copy of this report in connected Suit No.248/2012 also.

Judge

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