

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
M.A No.12 of 2018

Date	Order with signature of Judge
------	-------------------------------

For orders as to non-prosecution

28.11.2018

None present.

.-.-.-.

This appeal is directed against an order passed by the learned IInd A.D.J (Central) Karachi on **01.3.2018** whereby SMA No.154/2012 was allowed and the objections of the appellant were rejected. On last date of hearing i.e **23.5.2018** nobody was present when this case was fixed and office objection has not been complied with despite the fact that one week time was given. Be that as it may, it is not necessary that in every case notice should be issued to the respondents when a case is not made out that appellant has a prima facie case notices are not supposed to be issued. Through the impugned order objections of the appellant have been disposed of in the following terms.

“The objector has merely alleged that he paid loan taken from HBFC and his mother had assured him that the said property would be transferred in his name but in this regard no proof is available with the objector”.

Admittedly appellant is one of the legal heirs and for some ulterior motive he did not want SMA to be disposed of and he dragged the proceeding of SMA from 2012 to 2018. The trial Court also observed “that SMA is old one pending on the file of this Court due to instant application (objections) since 2012”.

This very observation of the trial Court in succession matter and the conduct of the appellant right from day one here that he has not even complied with the office objection since April, 2018. I do not find any merit in this appeal, therefore, instant M.A is dismissed. Let copy of this order be sent to the trial Court for information and to proceed further, if any, things have to be done by the trial Court in continuation of observation in final disposal.

JUDGE

SM