

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
IInd Appeal No.107 of 2018

Date	Order with signature of Judge
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For orders as to non-prosecution

23.11.2018

Mr. Irshad Ali Shah, advocate for the Appellant.

This IInd appeal is filed by the appellant whose suit was initially dismissed.

Brief facts of this case are that the appellant attempted to seek enforcement of specific performance of a contract dated **28.8.1985** after more than 27 years through suit **No.78/2014**. He knew that the person with whom he entered into contract has expired in 1986. The suit was dismissed initially by order of the trial Court in terms of provision of **Order VII Rule 11 CPC**. However, an appeal was filed against rejection of plaint was allowed and the case was remanded by the appellate Court to the trial Court to provide an opportunity to the appellant to prove his case before the trial Court on merit. However, after remand appellant never attended the trial Court and therefore, second time suit was also dismissed by a very comprehensive reasoning for such dismissal of suit. Learned counsel for the appellant contends that no notice was issued by the Court to the plaintiff / appellant. However, except this excuse no plausible explanation has been given by the appellant that why he remained absent despite being the plaintiff himself for more than a year. Therefore, learned trial Court has rightly dismissed the suit and appellate had no option except to dismiss the appeal.

Consequently, this IInd appeal is dismissed.

JUDGE