

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
I.A. No.112 of 2015**

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**Order with signature of Judge**

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*For orders on CMA No.924 of 2018.*

14.01.2019.

**Mr. Naeem Suleman, Advocate for appellant.**

CMA No.924 of 2018 is fixed for orders, which is moved for restoration of this appeal. Learned counsel pointed out that on 28.03.2018 this appeal was dismissed for non-prosecution alongwith listed applications on the ground that appellant is not proceeding with the matter. The application is supported by affidavit of appellant No.2 and Mr. Naeem Suleman has also filed his affidavit alongwith the restoration application. In his affidavit it is clearly stated that on 28.03.2018 he requested his colleague Mr. Mureed Ali Shah, Advocate to hold his brief on the ground that he is unwell due to severe pain in the neck. He further submits that Mr. Mureed Ali Shah, Advocate appeared and informed this Court that counsel for the appellant is unwell but his request was not accepted though this fact has been mentioned that Mr. Mureed Ali Shah, Advocate appeared and informed the Court that counsel for the appellant is unwell. We have also noticed that no notice was issued to the respondents in this appeal, therefore, we do not deem it necessary to issue notice to the respondents on restoration application when no notice was issued to them in appeal. Keeping in mind the ground raised in personal affidavit of the counsel for the appellant, we are inclined to restore this appeal to its original position. Order accordingly. Issue notice to the respondents in the main appeal.

**J U D G E**

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