

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
I.A. No. 39 of 2016

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

- 1.For hearing of CMA No.1078/2016
- 2.For order on office objection
- 3.For hearing of main case
- 4.For hearing of CMA No.816/2016
- 5.For hearing of CMA No.2054/2016

20.02.2019

Mr. Suleman Huda advocate for the respondent No.2
Syed Muhammad Kazim advocate for the Auction Purchaser

The appeal was fixed for hearing of miscellaneous application as well as main case on 14.09.2017, 13.10.2017 and 13.11.2017 but in all dates nobody appeared for the appellant. Today again neither appellant is present nor her counsel. Learned counsel for the respondent No.2 has filed statement in which it is stated that mortgaged property was auctioned by the Banking Court No.V, Karachi and Bank has also received the sale proceeds and appropriated towards outstanding liabilities of judgment debtor. It is further stated that the execution application No.82/2004 has already been withdrawn by the Bank vide order dated 30.03.2017. He has also attached copy of order passed by Banking Court No.V at Karachi in execution application No. 82/2004 allowing withdrawal of the execution application. Since for last four dates nobody is appearing for the appellant. We have also noted that on 8.11.2016 learned Division Bench of this court

observed that appeal is time barred therefore learned counsel for the appellant was directed to satisfy on the maintainability. We have also seen the judgment passed on 28.04.1998 and according to the endorsement of issuance of certified copy, it shows that the application for certified copy was filed on 02.03.2016 and copy was delivered on 03.03.2016. Appeal is dismissed for non prosecution.

JUDGE

JUDGE

Aadil Arab

