

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No.B-1674 of 1997

Date	Order with signature of Judge
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1. For hearing of CMA No.2367/2003
2. For hearing of CMA No.2564/2005
3. For hearing of CMA No.2806/2005
4. For hearing of CMA No.7986/2007
5. For hearing of CMA No.7987/2007
6. For hearing of CMA No.747/2008
7. For hearing of CMA No.7887/2008
8. For hearing of CMA No.7685/2009
9. For hearing of CMA No.11630/2012
10. For hearing of CMA No.3064/2013
11. For hearing of CMA No.12715/2013
12. For hearing of CMA No.133374/2014
13. For hearing of CMA No.13375/2014
14. For hearing of CMA No.13669/2016

19.09.2017

Mr. Akhtar Ali Memon, Advocate holding brief for Mr. Mansoor-ul-Arfeen, Advocate for the plaintiff.

Mr. Asim Mansoor, Advocate holding brief for Mr. Anwar Mansoor Khan, Advocate for defendant.

Mr. Salman, Advocate holding brief for Mr. Rashid Anwar, Advocate for alleged contemnor No.1.

Mr. Sameer Rahman, Advocate for applicant/intervener.

Ms. Saher Raana, Advocate for applicant/intervener.

Mr. Shoaib Rashid, Advocate for plaintiff in suit No.1676/1997.

Ms. Fareeda Mangrio, Advocate for plaintiff in suit No.151/1998.

Ms. Leela Kalpana Devi, A.A.G.

NAZAR AKBAR,J:- Mr. Asim Mansoor, Advocate holding brief for

Mr. Anwar Mansoor Khan, Advocate for defendant, seeks

adjournment on the ground that he is busy before Hon'ble Supreme

Court of Pakistan. Mr. Salman, Advocate holding brief for Mr. Rashid

Anwar, Advocate for alleged contemnor No.1, is also out of station.

The other counsel too have no objection to simply adjourn this case.

On **05.12.2013** when this case was listed before me and **14** miscellaneous applications were listed for hearing I have shown my reservations for grant of further adjournment for the reason that the case is pending since 1997 and I passed the following order.

Office is directed to explain why the names of the parties who have filed these application and the provisions of law under

which these applications were filed is not mentioned on the order sheet.

Out of 14 applications, with the assistance of the learned counsel appearing on behalf of the parties, the Court has been relieved of the burden of 3 CMAs at Serial No.2, 3 and 6 (CMAs Nos.4517/2003, 4764/2003 and 5828/2007), having been already disposed of or having become infructuous by now. Out of the remaining 11 CMAs the defendants have filed seven CMAs Nos.2367/2003, 2806/2005, 7986/2007, 7987/2007, 11630/2012, 3064/2013 and 12715/2013. These seven CMAs are pending for want of arguments on behalf of the defendants. One is pending since 2003, one since 2005, three since 2007, one since 2012 and two recent are of 2013. Therefore, **the defendants are put on notice that on the next date of hearing whatever may be the circumstances, their counsel should be present or some other arrangements may be made on their behalf to address the Court on these applications.**

The remaining four CMAs have been filed by the plaintiffs' side. Mr. Arfeen counsel for the plaintiff has informed that CMAs Nos.2564/2005 and 7887/2008 will be argued by him and two other CMAs Nos.747/2008 and 4685/2009 will be argued by Mr. Salman Aslam Butt, who has come from Lahore.

The case is adjourned on the request of counsel for the defendant as he is reported to be busy before the Honourable Supreme Court. On the next date, defendants have to make arrangements as suggested above.

The learned counsel for the plaintiff states that since this case contains red file cover, therefore, the case is adjourned, it would be fixed in the next week by the office, according to roster.

Re-acting to the above order learned counsel for defendant immediately filed an application for review of the above order with an urgent application on **13.12.2013** with 12 other pending applications and I have passed the following order:-

1 to 5 & 7, 9 to 11 & 14 Deferred.

6&8. By consent of the learned counsel, both these CMAs shall be heard on **20.12.2013** subject to availability of the learned counsel, who will argue this application.

12. Urgency application is granted.

13. Through this application the counsel for the defendant wants to review earlier order dated **05.12.2013** passed by this Court. The counsel seems to have been offended by certain observations of Court. The order dated 05.12.2013 is hereby modified to the extent that the words which are found offending by Mr. Anwar Mansoor Khan may not be read in that context in which the impression has been taken by him which I believe was not intended by the Court. With these observations, I believe the impression taken by Mr. Anwar Mansoor Khan,

*Advocate is dispelled. In view of this observation learned counsel does not press this application, the same is accordingly dismissed as not pressed. **Now I would humbly seek assistance of the learned counsel when and how this matter should proceed, which is pending since 1997. By his consent and other counsel the case is adjourned to 20.12.2013.***

On **20.12.2013** Mr. Anwar Mansoor Khan, advocate was on general adjournment and the case was again adjourned. After more than 3 years and 6 months this case is again listed before me and the position is same as it was on 20.12.2013 except that three miscellaneous applications have been filed during this period.

It is simple suit for recovery of money by a Banking Company against its customers. Today again 14 applications are listed for hearing. The first one of these applications was filed in 2003, two were filed in 2005, two in 2007, two in 2008, one in 2009 and two each in 2013 and 2014 and one each in 2012 and 2016. Even after 20 years including almost four years since my last order nobody is interested in getting even any one of these applications disposed of on merits.

To simply adjourn an old case without any progress hurts me and I know without assistance of Lawyer a quality judgment cannot be delivered by Court, therefore, in view of the above facts and circumstances, this case may not be listed before this Court. Adjourned to a date in office.

JUDGE