

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 1076 of 2000

Date	Order with signature of Judge
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1. For hearing of CMA No.736/2008
 2. For Arguments
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27.02.2018

None present.

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The plaintiff has filed this suit for damages in 2000. Issues were framed on 10.11.2006. Plaintiff's evidence was recorded on 13.02.2010. However, after recording of evidence plaintiff's counsel has never come forward to assist the Court and address whether he has been able to justify his claim. However, in view of the following observations of the Hon'ble Supreme Court reported in **2015 SCMR 1550**, which reads as under:-

After recording of evidence, is supposed to pronounce the judgment per order XX R 1(2), which reads; "the Court shall, after the case has been heard, pronounced judgment in open court, either at once or on same future day not exceeding thirty days, which due notice shall be given to the parties or their advocates". The judgment thus has to be given by the trial Court within the prescribed period of 30 days, after the hearing of the case has been concluded. It may be relevant to mention here that with the commencement of the trial in a civil lis, the hearing of the case also starts. And with the conclusion of trial, the hearing also concludes. The conclusion of the trial or the hearing means that the parties have concluded and completed their evidence. There is no specific provision in the CPC, which confers the right upon the parties to make oral arguments before the trial Court, but per convention, the oral submissions of the parties are also heard, which exercise, however, must be concluded within 30 days' time from the conclusion of the trial, as prescribed by law. If the parties, despite the opportunity granted by the court to make oral submissions, do not avail the same, the court is not bound to wait indefinitely for them and keep on adjourning the matter. This is highly deprecated and should be discouraged, rather the court should pronounce the judgment without their arguments and this (*such judgment*) shall not be in violation of the rules of hearing.

I have gone through the evidence. The plaintiff has claimed general damages and not a single penny has been established in black and white that how he has calculated the figure of losses. Imaginary figures claimed by the plaintiff as damages against the government functionaries who are protected under **Section 216** of Custom Act, for performance of their duty in good faith cannot be accepted by the Court. Therefore, this suit is dismissed having no merit along all pending applications.

JUDGE

SM

