

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No.1378 of 1999

Date	Order with signature of Judge
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For Arguments _____

15.03.2018

Mr. Musharaf Qazi, advocate for the plaintiff.
Ms. Leela Kulpana, A.A.G.

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This suit was filed during pendency of suit **No.208/1999** and both the suits were for declaration and permanent injunction as well as damages. Suit **No.208/1999** has already been disposed of by order dated **15.3.2000** and the plaintiff has not challenged the said order. The subsequent suit was not maintainable because parties are same and the dispute is also same. On the last date I have ordered to place file of suit No.208/1999 with this suit to decide the maintainability of second suit on the same point pending the earlier suit. In both the suits prayers are same except that in the earlier suit damages were Rs.2,00,000/- and present suit is for damages of **Rs.83,70,000/-**. Since both the suits were for the same prayer and the earlier suit has been disposed of. Instant suit is dismissed as the plaintiff in the first suit has either omitted to sue for damages to the tune of Rs.83,70,000/- or he has relinquished his claim beyond Rs.200,000/-. Therefore, after the first suit the second suit was hit by the provisions of **Order II Rule 2 CPC**.

JUDGE

SM