

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

H.C.A. No. 143 of 2014

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGES</b>
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**Present**

**Mr. Justice Muhammad Ali Mazhar.**  
**Mr. Justice Adnan Iqbal Chaudhry.**

Muhammad Tariq Qazi ..... Appellant

Versus

Muhammad Saleem and others..... Respondents

**Date of hearing 03.09.2018.**

Ms. Sana Akram Minhas, Advocate for the Appellant.  
Mr. Munawar Ali Memon, Advocate for the Resp. Nos. 1 & 2.  
None present for the other Respondents.

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**Muhammad Ali Mazhar, J:** Learned counsel for the Appellant submits that during pendency of this appeal an application under Order VI Rule 17 CPC was filed in Suit No. 428 of 2009 which was subsequently allowed by the learned single Judge of this court. Learned counsel appearing for the Respondents No. 1 and 2 admits that such application was allowed but order was not challenged in the appeal. The order available at page-119 shows that it was passed on 06.11.2014. Learned counsel for the Appellant pointed out the impugned order in this appeal and argued that the issue has already been decided but she is only perturbed with the findings available at page-25, which reads as under: -

*“The Plaintiff has either intentionally or may be even inadvertently omitted to include the relief of cancellation of compromise which has now been sought to be declared as cancelled or forged and fabricated in present suit”.*

She further argued that some orders may be passed that these findings will not prejudice the outcome of the Suit No. 428 of 2009. The learned counsel for the Respondents No. 1 and 2 has no objection. This appeal is disposed of with the directions that the Suit No. 428 of 2009 will be decided on its own merits and the aforesaid findings in the impugned order shall not prejudice the case of either party before the learned single Judge.

**JUDGE**

**JUDGE**

*SHUIBAN/PA\**

