

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No.1023 of 2000

Date

Order with signature of Judge

For evidence.

03.4.2018

Mr. Adnan Ahmed Zafar holding brief on behalf of Mr. Shoaib Mansoor, Advocate for the plaintiff.

This case is fixed for cross-examination of the plaintiff since 11.03.2010 when examination-in-chief of the plaintiff witness was recalled but since then the witnesses never turn up to complete the cross-examination. By order dated 04.10.2016 the Commissioner was appointed on the application of the plaintiff for recording evidence which is reproduced below:-

“Mr. Ajmal, Awan, Advocate undertakes to file vakalatnama on behalf of defendants. This case is fixed for evidence. Affidavit in evidence is already on record. Plaintiff is directed to supply copy of affidavit-in-evidence to the counsel for defendants. By consent Mr. Khursheed Javed, Advocate is appointed as Commissioner for recording evidence. His fee is fixed at Rs.10,000 per witness, which should be borne by each party in respect of their witnesses. Commission should be completed within three months”.

After more than six months learned counsel for the plaintiff himself stated that his client is not in a position to bear the expenses of the Commissioner, therefore, on 06.3.2017 following order was passed:-

“Learned counsel for the plaintiff contends that plaintiff is not in a position to bear the expenses of the Commissioner, hence, evidence may be recorded in the Court. Such prayer is not opposed by learned counsel for the defendants. Accordingly, order dated 04.10.2016 whereby Commissioner was appointed, is hereby recalled. Parties shall produce their evidence in the court. Adjourned. Office shall fix this matter for plaintiff’s evidence”.

Since then neither the plaintiff nor his witnesses are present in Court for recording of evidence. Suit is dismissed for want of evidence.

J U D G E