

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**Suit No. 918 of 2006**

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Order with signature of Judge(s)

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- For hearing of objections to Main Award

**11.09.2018**

None present for the parties. Similar was the case on the last date of hearing as well as on two dates prior thereto. This Court vide order dated 24.11.2016 after taking cognizance of the fact that counsel for the defendant filed statement dated 23.10.2010 specifically stating that the plaintiff Nos.4, defendant No.5 and plaintiff No.6 have already received their respective shares regarding the property of M/s. Khokhar Engineering Co. D/37, SITE Manghopir Road, Karachi and House No.C-156, Block-C, North Nazim Abad, Karachi as per Award dated 10.08.2005 and since nobody was appearing, Court observed that in these circumstances appropriate orders be passed on the next date [as mentioned in the foregoing, after the said date four hearings have been held in which none has appeared].

This suit was filed in the matter of Arbitration under Section 20 of the Arbitration Act, 1940, where the Award passed by the sole arbitrator dated 10.08.2015 alongwith all other documents and proceedings were brought to record. It appears that the detailed Award, which is reproduced between pages 427 to 493 met with objections dated 06.08.2007 through CMA No.7655 of 2007. Reply to the objections was also provided on 19.12.2008. After filing of the objections, the matter was taken up on 19.02.2008, 26.11.2008, 21.01.2009, 26.02.2009, 10.03.2010, 23.12.2010, 08.05.2012, 20.09.2012, 11.10.2012, 12.12.2012, 22.02.2013, 21.03.2013 and 25.04.2013, on which dates either

briefs were held or none was present. The statement that three legal heirs have already received their shares as per the Award brings acceptability to the Award, as well as, the fact that after filing of the objections, the objector stayed away from the Court and the matter has been lingering on since 2006 with no substantial progress, gives reasons to believe that the parties with the passage of time may have resolved their disputes making instant proceedings infructuous, which are dismissed on account of non-prosecution.

File be consigned to record.

JUDGE