

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 625 of 2001

Order with signature of Judge(s)

1. For hearing of CMA No.5362/2001
2. For hearing of objections to Award

19.09.2018

Mr. M. Shahzad Mehmood, Advocate for the Plaintiff
Mr. Shahab Bakht, Advocate holds brief for Mr. Muhammad Omer
Soomro, Advocate Defendant

A brief is held for Mr. Muhammad Omer Soomro, counsel for the Defendant who also had an emergency on the last date of hearing and left the Court. Learned counsel for the Plaintiff submits that matter pertains to Award passed by Mr. Justice (R) Ajmal Mian, Umpire, Mr. Justice (R) Syed Haider Ali Pirzada and Mr. Justice (R) Kamal Azfar, where objections are filed by the clients of Mr. Soomro. The Award is dated 26.04.2001. Learned counsel for the Plaintiff draws Court's attention to order dated 24.01.2018 to depict the conduct of the Objector's counsel. Order is reproduced hereunder:-

"Counsel holds brief for Mr. Omar Soomro and requests for adjournment as he is busy before another bench. It appears that this matter was partly heard by me in the last roster but for one reason or the other the hearing could not be completed and matter was de-part heard. Thereafter, on 15.1.2017 it was specifically observed that if Mr. Omar Soomro does not proceed, alternate arrangement be made as the firm representing the Defendant consists of various lawyers. Thereafter on 29.11.2017 and 14.12.2017 again the matter was fixed but could not be proceeded with. Today, again Counsel holds brief and requests for adjournment. It seems that the Counsel for Defendant Mr. Omar Soomro does not want to proceed before this bench. Accordingly, this matter may not be placed before me."

Also worth considering are following orders dated 15.03.2015,
17.05.2016 and 15.11.2017:-

15.11.2017

Counsel holds brief for Mr. Omer Soomro, Advocate and informs that he is busy before the Honourable Supreme Court at Islamabad. It appears that in this matter the Counsel for the defendant, time and again, has sought adjournments for one reason or the other. It is also noted that this matter was earlier partly heard but could not be finally decided due to change of roster, therefore only as an indulgence adjourned to 29.11.2017 with a note of caution that if Counsel is not available on the next date some alternate arrangement be made as Defendant is being represented through a Law Firm which can manage alternate arrangement."

17.05.2016

“Mr. Salman Mirza, associate of Mr. Omer Soomro, Advocate for defendant seeks time.

Record reflects that this matter is pending since 2001 and on many occasions learned counsel for the defendant failed to cause his appearance.

As an indulgence and with last chance, adjourned to 01st June 2016. In case learned counsel for the defendant failed to proceed with the matter, after hearing other side matter would be reserved for judgment.

15.03.2015

“Mr. Mayhar Mustafa Kazi, advocate holding brief on behalf of Mr. Mohammad Omer Soomro requests for adjournment on the ground that due to some urgency Mr. Soomro had left the Court. Mr. Khawaja Shamsul Islam opposes the request for adjournment on the ground that continuously for many years Mr. Soomro is not proceeding with the matter. He referred order dated 25-2-2015 in which although it was mentioned that both the learned counsel are read to proceed the matter was adjourned for today at a fixed time. He submits that this order was passed in presence of Mr. Soomro therefore he should have been present to proceed with the matter. The counsel holding brief submits that in case the matter is adjourned to 16-3-2015 Mr. Soomro will be available to proceed with the matter and will not seek any adjournment.”

Learned counsel states that avoidance of the counsel for the Objector is solely aimed to frustrate the process of law. This matter was adjourned on the last date being 11.09.2018 in the presence of Mr. Shahab Bakht, Advocate holding brief for Mr. Soomro, who had an emergency and date as well as time was fixed. No intimation is received to this Court, accordingly, the application being CMA No.5362 of 2001 is dismissed on account of non-prosecution.

JUDGE