

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1122 of 2012

DATE

ORDER WITH SIGNATURE OF JUDGE

For framing of issues:

19.11.2018.

Mr. Abdul Jalil Zubaidi, Assistant Advocate General Sindh.
Mr. Muhammad Aslam Choudhry, Advocate for Defendant No.3.

The present suit was filed in the year 2012 to sustain the plaintiff's occupation of Govt. accommodation, being the suit property, post retirement from service. Ad interim orders were obtained on 06.09.2012 and thereafter it appears that the plaintiff lost interest in the proceedings. The diary records that on numerous dates none appeared on behalf of the plaintiff and the same is the case today.

The Court has issued numerous notices to the plaintiff, notwithstanding the trite law that a party is obliged to be vigilant and is solely culpable for the consequences of failure in respect thereof. Reliance in such regard was placed on the judgment in the case of *Abdul Hamid vs. Abdul Qadir* reported as *PLD 2001 SC 49*. Despite the plaintiff's persistent absence from the Court proceedings, in the interests of justice, notice was ordered to be reissued thereto on 12.11.2018 and orders were also rendered for the pasting of the notice upon the suit property. The Bailiff's report, dated 17.11.2018, records *inter alia* that pasting was in fact undertaken at the suit property.

Today this matter was listed for framing of issues and notwithstanding the foregoing, the plaintiff (and/or his counsel) remain absent, hence, the present suit is hereby dismissed for non-prosecution.

Judge