

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

IInd Appeal No.127 of 2018

Date	Order with signature of Judge
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1. For orders on office objection a/w reply as at 'A'
2. For hearing of main case.
3. For orders on CMA No.9047/2018 (stay)

18.10.2018

Ms. Irum Rasheed, advocate alongwith appellant.

This case was heard yesterday and even today again the only ground for setting aside first impugned order of the trial Court was an allegation leveled by the appellant against an unidentified counsel in para-2 at page-99 of the proceeding that his counsel has informed the appellant after filing written statement on **27.5.2014** that case has been disposed of and he is not required to attend the Court. Then he did not attend the Court until he received notice of execution in **October, 2017**. The appellant has not even named the counsel or date when his counsel has given such information till date from October, 2017. The appellant has not even made any complaint regarding misconduct of the counsel, which resulted in decree of Rs.49,000/- against the appellant which clearly indicates that the counsel has not made any statement as alleged by the appellant. It is indeed very unfortunate that smart clients after engaging lawyer generally do not attend them and let the decree be issued against them. They afterward make different allegations against their counsel as an excuse for setting aside the decree. The ground taken by the appellant was not accepted by the two Courts below as it was not plausible explanation, therefore, while I was going to dismiss the appeal learned counsel in presence of the appellant present in Court made categorical statement that appellant is ready to satisfy the decree in five installments. He is ready to deposit Rs.10,000/- per month

in the execution proceedings. Though I have not yet issue notice to the Respondents, however, since execution has already been filed the appellant is directed to deposit first installment of Rs.10,000/- in the Executing Court i.e Xth Civil Judge Central Karachi in Ex. No.11/2017 on or before **05.11.2018** and the remaining decretal amount shall be paid in three equal installments of Rs.**10,000/-** each on or before the 5th December, 2018 and 5th of January and February, 2019. Fourth and last installment of Rs.9,000/- shall be deposited on or before **05.03.2019**. In case of any default in payment of any installment the executing Court shall act in accordance with law for recovery of decretal amount.

With the above observation this IInd Appeal is disposed of. Let copy of this order be sent to the learned trial Court seized of execution application No.11 of 2017.

JUDGE

SM