

IN THE HIGH COURT OF SINDH AT KARACHI

Suit 498 of 2011 : Imran Feroz vs. Shell Pakistan Ltd. & Others

For the Defendant No.1 : Mr. Abdul Qadir Mirza,
Advocate
Mr. Muhammad Ehsan,
Advocate

Date of hearing : 18.08.2020

Date of announcement : 18.08.2020

ORDER

Agha Faisal, J. This suit was instituted on 05.04.2011. The pleadings are on record and the matter is being listed repeatedly *inter alia* for framing of issues¹, however, the plaintiff remains absent without intimation and / or justification.

2. The consistent absence of the plaintiff on numerous dates of hearing is borne from the record, inclusive of the orders dated 24.03.2014, 18.10.2018, 19.12.2018, 13.02.2019, 26.03.2019 and 11.08.2020. The record also demonstrates issuance of caution, vide the order/s dated 24.03.2014. On the last date of hearing notice² was directed to be issued for a fixed date³ of hearing⁴, being today, however, the plaintiff has failed to appear and proceed.

3. In view hereof, this Court is constrained to hereby dismiss this suit, along with pending application/s (if any), for non-prosecution⁵.

J U D G E

Khuhro/PA

¹ Per Wahiduddin Ahmed J. in *Khan Bahadur H M Habibullah vs. Sheikh Mahboob Alam* reported as *PLD 1959 Karachi 143*; *Manager Jammu & Kashmir State Property in Pakistan vs. Khuda Yar* reported as *PLD 1975 Supreme Court 678*; *Ciba Geigy (Pakistan) Limited vs. Muhammad Safdar* reported as *1995 CLC 461*.

² *Allied Group Ventures Limited vs. Quality Vision (Private) Limited* reported as *PLD 2002 Lahore 274*.

³ Per Nasim Hasan Shah J. in *Nowsheri Khan vs. Said Ahmed Shah* reported as *1983 SCMR 1092*.

⁴ Per Muhammad Ali Mazhar J. in *Muhammad Naeem vs. KA Bashir* reported as *2010 CLC 1039*; *Govt. of Sindh vs. Muslim Educational Society* reported as *1991 CLC 1766*; Order XIV Rule 1(5) Code of Civil Procedure 1908

⁵ Order IX Rules 3 & 8 read with Order XVII Rule 2 of the Code of Civil Procedure 1908; *Muhammad Naeem vs. KA Bashir* reported as *2010 CLC 1039*; *Ciba Geigy (Pakistan) Limited vs. Muhammad Safdar* reported as *1995 CLC 461*; *Haji Muhammad Sharif vs. Settlement & Rehabilitation Commissioner* reported as *1975 SCMR 86*; *Zulfiqar Ali vs. Lal Din* reported as *1974 SCMR 162*.