

IN THE HIGH COURT OF SINDH AT KARACHI

Suit 918 of 2009 : Muhammad Rafiq & others vs. Mst. Nasreen & Others

For the Defendant 1 : Mr. S.M. Haider, Advocate

Date of hearing : 17.08.2020

Date of announcement : 17.08.2020

ORDER

Agha Faisal, J. This suit was instituted on 30.05.2009. The pleadings are on record and the matter is being listed repeatedly *inter alia* for taking of evidence¹, however, the plaintiffs remain absent without intimation and / or justification.

2. The consistent absence of the plaintiffs on numerous dates of hearing is borne from the record, inclusive of the orders dated 10.08.2020, 11.04.2019, 19.11.2019, 23.04.2018, 18.12.2017, 05.12.2016, 23.09.2013, 18.03.2013, 08.10.2012, 27.08.2012, 03.05.2011, 25.04.2011, 28.03.2011, 23.11.2010, 26.10.2010 and 09.08.2010. The record also demonstrates issuance of caution, vide the order/s dated 19.11. 2018. On the last date of hearing notice² was directed to be issued for a fixed date³ of hearing⁴, being today, however, the plaintiffs have 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

¹ *Sher Muhammad vs. Ahmad Khan* reported as 2004 CLC 1016; *Abid Mahmood vs. Abdul Aziz* reported as 2003 YLR 3196; *Kh. Ghulam Qadir vs. Muhammad Sharif* reported as 2000 MLD 2047; *Qaim Ali Khan vs. Muhammad Siddique* reported as 1987 SCMR 733; *Manager Jammu & Kashmir State Property in Pakistan vs. Khuda Yar* reported as PLD 1975 Supreme Court 678.

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.