

IN THE HIGH COURT OF SINDH AT KARACHI

Suit 1632 of 1998 : Shaikh Nasir Mehmood vs. Pakistan State Oil Company Ltd. & Others

For the Defendant 1 : Mr. Naveed Ali Khokhar, Advocate holding brief for Mr. Luqmanul Haq, Advocate for defendant 1.

Mr. Farmanullah Khan, Advocate also has filed power on behalf of defendant 1.

Date of hearing : 17.08.2020

Date of announcement : 17.08.2020

ORDER

Agha Faisal, J. This suit was instituted on 24.12.1998. The pleadings are on record and the matter is being listed repeatedly *inter alia* for arguments¹, 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 10.08.2020, 07.02.2020, 05.10.2018, 08.05.2018, 20.10.2017, 28.09.2017, 27.03.2017, 10.03.2017, 23.02.2017, 08.02.2017, 25.01.2017, 15.12.2016, 16.12.2016, 29.11.2016, 02.11.2016, 25.10.2016, 18.10.2016, 31.08.2016, 14.04.2008, 18.09.2006 and 08.12.2003. 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

¹ Per *Muhammad Ali Mazhar J.* in *Al Waqar Corporation vs. Rice Export Corporation* reported as 2011 MLD 266; *Yawar Hussain vs. Ansar Ali Khan* reported as 2010 CLC 46; *Sher Muhammad vs. Ahmad Khan* reported as 2004 CLC 1016; *Abid Mahmood vs. Abdul Aziz* reported as 2003 YLR 3196; *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.