

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
IInd A. No.166 of 2019

Date: Order with signature of Judge

1. For orders on office objection
2. For orders on MA No.5034/19
3. For orders on MA No.5035/19
4. For hearing of main case

31.1.2020

Mr. S. Nadeemul Haq Advocate for the petitioner
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This IInd appeal is arising out of the judgment passed by the IIIrd Additional District & Sessions Judge, Karachi (South) in Civil Appeal No. 132/2015.

The appellant has filed a case for recovery of an amount in respect of cheque deposited in the account of Imran Ibrahim in terms of pay slip available at page-101. Decree accordingly was granted by the appellate Court, which is available on record. However the contention of the appellant Counsel is that respondent No.3/ Messer Nextec Manufacturing (Pvt.) is jointly liable to pay such amount. It is the case of the appellant that the CFO Imran Ibrahim acknowledged the amount on behalf of the company.

It is no where established either through pleadings or through evidence that this payment was made to M/s. Nextec Manufacturing (Pvt.) Limited/ respondent No.3. The amount was deposited in the account of Imran Ibrahim, pay slip of which is available on record, hence he was responsible for the payment of such amount and not the respondent NO.3 as maintained by appellate Court.

In view of above, no interference is required in the impugned order and the appeal is therefore, dismissed along with pending applications.

Judge