

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
H.C.A. No.59 of 2021

Date	Order with signature of Judge
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Present
Mr. Justice Muhammad Ali Mazhar
Mr. Justice Amjad Ali Sahito

All Pakistan Women's Association (NHQ).....Appellant

Versus

Safia Begum & another.....Respondents

12.04.2021

Mr. Abdullah Munshi, Advocate for the Appellant.
Nobody is present for Respondents despite notice
under Order 43 Rule 3 CPC.

Muhammad Ali Mazhar, J: The appellant has challenged the order dated 17.03.2021 passed by learned single Judge in Suit No.2452/2017. The learned single Judge was of the view that before passing an ex-parte order against the defendants, the defendants had already passed away, therefore, the plaintiff was directed to move an application to implead the legal heirs of the defendants. The counsel for the appellant argued that in the same suit a detailed order was already passed on 16.02.2021 in which the alleged contemnor No.3 was directed to produce authorization given by the defendants or in case of their death by their legal heirs for running and managing the affairs of the subject petrol pump within a period of 15 days' time otherwise action for the ejectment against the alleged contemnor No.3 may be taken. The learned counsel argued that neither the appellant was responsible to bring the legal heirs on record nor they are aware of their death or any alleged legal heirs of the defendants. This aspect may be brought before the learned single Judge in the suit and at this stage we do not find any justification to interfere in the impugned order,

however, the appellant may move a proper application in the trial court for the modification or review of the impugned order subject to all just exceptions in view of the earlier order passed by the learned single Judge on 16.02.2021. The appeal is disposed of accordingly alongwith listed application.

Judge

Judge

Asif