

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

Suit No. 1352 of 2021

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Order with signature of Judge(s)

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1. For examination of parties/settlement of issues
2. For hearing of CMA No.9973/2021
3. For hearing of CMA No.9974/2021

**11.08.2022**

Mr. Rehan Aziz Malik, Advocate for the plaintiffs  
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1. Deferred.
2. Learned counsel for the plaintiffs submits the plaintiffs entered into partnership with the defendant through Deed of Partnership available at page 19 dated 01.07.2018, where it was resolved that the partners will carry on the business of auto parts manufacturing under the name and style of M/s Syed Engineering Services. Counsel states that the partnership continued and a number of properties were purchased in the name of the partners, as evident from pages 25 and 35. Counsel states that lately dispute arose between the partners and a meeting was called on 20.03.2021, where it was agreed that the partnership firm will be dissolved and the parties to pay shares to each other. Counsel states that solely relying on the documents available at pages 59 to 75, where for tax efficiency purposes wife of the defendant was selected to file tax returns, however, on the basis of the said document, the defendant is claiming that he is the sole proprietor of the partnership and depriving the plaintiffs from the fruits of the business and attempting to create third party interest in the said business. The defendant seemingly has chosen to file a counter to the instant application, where it is only stated that the plaintiffs have no *locus standi* to file the suit. Learned counsel for the plaintiffs submits that no specific denial of any of the averments is made in the counter by the said defendant, which amounts to admission. In the given circumstances, the application is allowed as prayed.

3. Learned counsel also draws Court's attention to the counter affidavit filed by the defendant wherein the said defendant has raised objections of the similar nature and only stated that the plaintiff has not made *prima facie* case, which also amounts to admission as no specific denial of the assertions is made. In the given circumstances, this application is also allowed. Official Assignee is appointed as Receiver, who to file his report within thirty days.

To come up thereafter.

JUDGE

B-K Soomro