

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.996 of 2007

DATE

ORDER WITH SIGNATURE OF JUDGE

For Final Arguments

01.11.2016.

None present

This is a Suit for damages against the defendants in the sum of Rs.10,000,000/-. It is the case of the plaintiff that at the behest of defendants a criminal case was registered against the plaintiff and the same was subsequently quashed in favour of the plaintiff vide order dated 20.11.2006 by this Court in Criminal Misc. No. 9 of 2006. The case as set out in the plaint is that due to false implication of the plaintiff at the behest of the defendants, the plaintiff suffered mental torture and agony, hence instant Suit.

Summons were issued in this matter whereafter, Issues were settled and evidence was recorded through Commission. However, nobody is attending the Court since last many dates, whereas, on 14.10.2016 it was observed that if nobody attends the case on behalf of the plaintiff on the next date, appropriate orders would be passed. This matter is pending since 2007; therefore it is being decided on the basis of record available before the Court.

From Perusal of the evidence led on behalf of the plaintiff, it appears that though plaintiff has claimed damages purportedly for malicious prosecution, however, neither in the evidence nor on the basis of any of the document(s) annexed with the plaint as well as

affidavit in evidence, the plaintiff has been able to quantify the claim of damages, whereas, there is only a bald statement that plaintiff has suffered mental torture and agony. Nothing has been placed on record as supporting material for claiming such damages and agony. Merely for the fact that the plaintiff was implicated in the proceedings does not ipso facto entitle the plaintiff to claim damages on discharge by way of quashment of such proceedings. It is further noted that in this matter the complainant had filed proceedings under Section 22A Cr.P.C, whereas, the Challan was filed on the directions of Magistrate under Section 173 ibid, against which Criminal Misc. was filed in this Court and proceedings were quashed. The plaintiff in fact was not acquitted on merits in the said proceedings.

In view of hereinabove facts and discussion, I am of the view that the plaintiff has failed to make out his case for grant of damages. Accordingly, instant Suit is dismissed, however, with no order as to costs.

J U D G E

Ayaz