

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

J.M. No.48 of 2017

Jahanzeb
Versus
Muhammad Jamil Qasim & others

Date	Order with signature of Judge
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1. For orders on CMA No.10737/18
2. For hearing of main application.

Dated: 14.09.2020

None for the applicant.
Mr. Hussain holds brief for Mr. Saad Fayyaz for respondent No.1.
Mr. Hamid Idris for respondent No.2.
Mr. M. Ishaque for applicant/intervener.

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- 1) Dismissed as having become infructuous.
- 2) Since last few dates applicant's counsel is not pursuing this matter. He was called absent on 02.05.2018 as well as 06.03.2020. He also remained absent on the day when urgent applications were filed by him i.e. 09.10.2018 and 20.01.2020. The order impugned in these proceedings under section 12(2) CPC is dated 13.02.2017 on which date suit was dismissed as not pressed. Nothing virtually was determined by this Court in the impugned order. The application is seeking delivery of vacant possession of the subject plot. No ingredients of Section 12(2) CPC are attracted as no fraud or misrepresentation appears to have been committed by any of the parties concerned. All that happened was an out of Court settlement which was not made part of order. Apparently the application is misconceived. However, since applicant and his counsel are called absent, this application under section 12(2) CPC is dismissed for non-prosecution.

Judge