

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
High Court Appeal No.83 of 2021

Order with Signature of Judge(s)

1. For order on office objection.
2. For hearing of main case.
3. For hearing of CMA No.1184/21 (Stay)

09.03.2022.

Mr. Aman Aftab, Advocate for the appellant.
Malik M. Tariq, Advocate for the respondents No.3 & 6.

The instant High Court Appeal (**HCA**) has been filed impugning the order dated 08.04.2021 passed by the learned Single Judge in Suit No.414 of 2015, taken up along with Suit No.324 and 775 of 2011.

Mr. Aman Aftab Advocate has appeared on behalf of the appellant and stated that the order is not in accordance with law as the learned Single Judge, while passing the order has not considered the aspects relating to connected suits. His further prayer is that in the alternative the impugned order may be modified to the extent that the property bearing No.NP 9/31 (G-9), Ganga Bai Building, Jodia Bazar, Karachi, may not be included into the estate of the deceased.

Malik Muhammad Tariq Advocate has appeared on behalf of the respondents No.3 & 6 and stated that the point raised in the instant HCA could be taken by raising an issue in this regard before the learned Single Judge and thereafter the matter could be decided on the basis of the said issue raised by the present appellant in the pending suits. He, therefore, states that the present HCA is misconceived and not maintainable and may be dismissed as such.

No one has appeared on behalf of the other respondents.

We have heard both the learned counsel at some length and have also perused the record.

It is evident from the order that the learned Single Judge has simply directed the respective parties to file either consent consolidated issues or their proposed consolidated issues so that the matter involved in the instant suits could be laid at rest. We find no reason and justification to interfere in the order of the learned Single Judge as the same appears to be fair and reasonable as the learned Single Judge simply has directed the parties to file either consent consolidated issues or their proposed consolidated issues so that after fulfilling the requirements as laid down under Order XIV of the CPC the matter involved in the instant suits could be processed in accordance with law. Moreover we have observed that the appellant has not availed the facility of filing an application under Order XXXIX Rule 4 of the CPC. Hence, as stated above, we see no reason to interfere in the order passed by the learned Single Judge and dismiss the present HCA, along with the listed application. The parties are directed to abide by the impugned order dated 08.04.2021 strictly in accordance with law as directed by the learned Single Judge.

Judge

Judge