

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
II-Appeal No. 07 of 2011.

Date Order with signature of Judge

1. For hearing of CMA No. 7739 of 2011.
2. For hearing of CMA No. 508 of 2011.
3. For hearing of main case.

04th March 2020

Mr. Abdul Wahab Baloch, advocate for appellants.
Syed Jawed Iqbal, advocate for respondents.

Heard learned counsel for the respective parties.

Perusal of the judgments recorded by both courts below reflects that evidence of Muhammad Jawed and Ferozuddin, who were marginal witnesses in the agreement between the parties, were not appreciated and considered. Accordingly, both the judgments are not in accordance with law and trial Court as well appellate court travelled beyond their jurisdiction, they were required to adjudicate the issue in view of evidence brought on record. Thus, impugned judgments recorded by both courts below are set aside; case is remanded back to the trial court for passing a fresh order after hearing the parties without being influenced by the earlier order.

Instant appeal stands disposed of alongwith the listed applications

JUDGE

SAJID