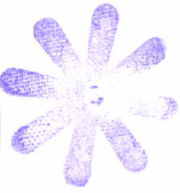


ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

HCA No.304 of 2014



Date

Order with signature of Judge

1. For hearing of main case.
2. For hearing of C.M.A No.3038/2014 (Stay).

18.09.2020.

Mr. Nisar Ahmed Tarar, advocate for the appellant.

Mr. Miran Muhammad Shah, Addl. A.G. Sindh for respondents No.6&7.

Mr. Iqbal Khurram advocate for respondents No.8&9.

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The instant High Court Appeal (HCA) has been filed impugning the order 13.11.2014 passed by the learned Single Judge in Suit Noi.2194/2014. It is noted from the said order that claim of damages against official defendants No.6 to 9 in the suit has been held to be not maintainable, whereas status quo granted against the defendants No.1 to 5 was continued. We are of the view that nature of proceeding and relief claimed is such, that official defendants No.6 to 9 are necessary parties. As far as dispute with regard to damages against the defendants No.6 to 9 is concerned, an issue in this regard (besides other issues arising out of pleadings) could be framed by requiring the parties to lead evidence in this behalf and thereafter the matter could be disposed of in accordance with law. Learned counsel for the parties have no objection for disposal of this HCA on this aspect.

We, therefore, under the circumstances, dispose of this High Court Appeal by directing that an issue besides other issues arising out of pleadings may be framed in the Suit No.2194/2014, whether claim of damages against the defendants No.6 to 9 is maintainable or not and thereafter the entire matter be proceeded in accordance with law.

With these directions the instant HCA stands disposed of along with the listed application.

JUDGE

JUDGE

*Order
on 18/9/2020
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