

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No. -2565 of 2021

| Date | Order with signature of Judge |
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1. For orders on office objection as at flag "A".
2. For orders as to non-prosecution of CMA No. 17089/2021.
3. For orders on CMA No. 19143 of 2021.
4. For orders on CMA No. 19144 of 2021.
5. For orders on Nazir's report dated 23.10.2021.
6. For orders on Nazir's report dated 24.11.2021
7. For hearing of CMA No. 19413 of 2021

08th December 2021.

None present for the plaintiff.

Mr. Mazhar Iqbal Tabbassum, advocate for defendant No.1.

Mr. Ahmed Ali Hussain, advocate for defendant No.2.

By order dated 13.10.2021, notices were issued to the defendants, subject to deposit of sale consideration with the Nazir of this Court within seven days. However, plaintiff failed to make compliance of the said order. Accordingly, time was extended twice by orders dated 11.11.2021 and 15.11.2021, but still the position is same. Learned counsel for the defendant has relied upon case laws reported as 1997 SCMR 181, 2003 SCMR 953, 2015 MLD 49 2017 SCMR 2022, 2020 SCMR 171, 2020 YLR 2024 and 2019 SCMR 524 with the plea that suit is liable to be dismissed in view of non-compliance of the order of this Court.

Admittedly the plaintiff has defaulted and in such a situation the suit is liable to be dismissed in view of the dictum laid down by the apex Court in the cases referred to by the learned counsel for the defendant. Accordingly, the Suit is dismissed along with listed applications.

Sajid

J U D G E