

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 82 of 2023

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Date

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Order with Signature of the Judge

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1. For orders on CMA No.1102/2023
2. For orders on CMA No.1103/2023

**25<sup>th</sup> January 2023.**

Mr. Ali Ahmed Zaidi, Advocate for plaintiff.

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1. Urgency granted.
2. Mr. Muhammad Vawda, Advocate has marked his appearance for the plaintiff. He submits that he filed Vakalatnama after perusal of affidavit filed by the plaintiff which disclosed the facts and made him believe that facts narrated in the plaint were under duress and coercion. Mr. Vawda earlier represented the attorney in earlier Suit No. 40 of 2023. The Suit, in fact, is filed by one Najibuddin against several defendants including defendant No.9 Muhammad Asif, earlier represented by Mr. Vawda. I enquired from Mr. Vawda if he could represent the plaintiff in this case as he has a direct conflict of interest with defendant No.9 (Mr. Vawda represent defendant No.9 in the referred Suit). For the allegations as raised against defendant No.9 he relied upon the affidavit by the plaintiff, which is a subsequent event. In my tentative assessment either of the two (plaint and/or affidavit) is a perjury.

Be that as it may, plaintiff's contents would sum up the case of plaintiff and would not be diluted by mere affidavit filed belatedly and consequently, an application for withdrawal was filed by a counsel who was appearing against his interest. Either first or second version is incorrect and misleading. Both the statements are on oath and will be taken to its logical "not" by withdrawing the suit. If the statement of plaintiff in suit was incorrect, he would face serious consequences. He should be in attendance on the next date. In case the contents of plaint found incorrect and misleading, prosecution will follow. There were/are

direct allegations including one that he never appeared before the Board of Revenue for land in question.

In view of facts and circumstances and in view of earlier pending suit and valuable land and issue of perjury, I dismiss the application for withdrawal of suit and allow this suit to be tagged with Suit No. 40 of 2023. Notices be served upon all defendants including Board of Revenue to be represented by counsel or otherwise on the next date. They shall file relevant documents in this regard before the next date of hearing. Adjourned to a date in about ten days' time.

\*Aamir/PS\*

J U D G E