

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Suit No.1357 of 2020

Date	Order with signature of Judge
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1. For orders on CMA 13120/22
2. For orders on CMA 13121/22

**Dated: 08.09.2022**

Mr. Abdul Qadir Khan for plaintiff.

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- 1) Granted.
- 2) This suit for specific performance was filed by one Abdul Rehman son of Farid Ahmed through his attorney. While this suit was pending an application for treating this matter under fast track policy was moved. The fast track policy was defined in Circular No.GAZ/XII.Z.14(HC)(i) dated 16.10.2012. The text of the circular is as under:-

*“The Hon’ble Chief Justice has been pleased to order that preference be given to the cases of Senior citizens i.e. persons aged above 65 years, widows who have not re-married and orphans whose both parents have expired. In case they opt for fast track, they should move an application which would be heard in Court and decided accordingly. Once the priority is given to a particular case, the Roster shall fix such case on weekly basis. The file cover of the cases, to which priority has been allocated, should be given different colour preferably ‘RED’ to attract the attention of the Hon’ble Judge.”*

Main contention of the learned counsel is that since the circular recognizes a person aged about 65 years, therefore, for all intent and purposes the circular should be applicable to the attorney of plaintiff and has relied upon Order III Rule2 of the CPC for the purpose of ascertaining definition of a ‘person’.

I have heard the learned counsel and perused record.

The circular in this regard is for the litigants who have crossed age of 65, widow who have not re-married and orphan whose both

parents have expired. The litigant, for the purpose of defining above circular, does not include the attorney who is contesting on behalf of person litigating under such status, on a private arrangement. The attorney may have crossed the age of 65 but the litigant has not. The spirit of circular is for original litigants and not for attorney. Order III Rule 2 CPC is for recognizing an agent of a party by whom such appearances, applications and acts may be made or done are person holding Power of Attorney and person carry on trade or business for and in names of parties not resident within the local limits of the jurisdiction. This provision is only in respect of litigant to be recognized as such and may represent them in Court but the circular itself for such concession is not extendable to the attorneys pursuing matters on behalf of litigants. If that interpretation is accepted then virtually all files will be converted into red file under fast track policy as everyone would then engage an attorney having age of 65 or above. The spirit of the circular is for the actual litigants and not attorneys.

With the above understanding of the circular, the application for treating this matter under fast track policy, as attorney has crossed age of 65, is misconceived and accordingly dismissed.

**Judge**