

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.1677 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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1. For hearing of CMA No.7387/2022 (U/O 13 R-1 CPC).
2. For hearing of CMA No.18358/2018 (U/O VII R-11 CPC).
3. For orders on CMA No.2428/2022 (U/S 151 CPC).

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Dated 19.10.2022

Mr. A. Nawaz Osmani, Advocate for the plaintiff.
Mr. S. Ziauddin Nasir, Advocate for defendant No.1.

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1. This is an application under Order XIII Rule 1 CPC to compel the plaintiff to file bank statement and property documents of flats. I am of the view that this is not the time to compel the plaintiff to file such documents. Indeed when the issues are framed, the parties may be directed to file documents on which they are relying and/or the defendants may file list of documents so that the plaintiff be compelled to produce a document in his possession. The application as such has no merit and is accordingly dismissed.

2. This is an application under Order VII Rule 11 CPC filed in a suit for declaration, possession, injunction and mesne profit. The solitary ground pleaded in this application is that the amount as claimed to have been paid to him for a property, has already been remitted back. It is pleaded by defendant to be a loan and not consideration of any property. I have gone through the pleadings in the plaint and the cause of action discloses that the amount was remitted for purchase of the property which has not been conveyed. It is a triable issue and at this point of time the conclusivity cannot be given to such statements. The application as such has no merit and is dismissed.

3. Although this application is fixed for orders, but it is for deleting the name of the previous counsel representing defendant No.1. Since Mr. S. Ziauddin Nasir, learned counsel is appearing for defendant No.1, I do not see any issue in allowing this application. The application is accordingly allowed. The name of previous counsel be deleted from the title cover of file.

Office is directed to fix pending applications, if any, on the next date of hearing. Adjourned.

JUDGE

Ayaz Gul