

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.1424 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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1. For orders as to maintainability of CMA No.13937/2022.
2. For orders as to maintainability of CMA No.13938/2022.
3. For hearing of CMA No.10144/2018.
4. For ex-parte order against defendant No.4.

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Dated 19.10.2022

Attorney of plaintiff in person.
Mr. Muhammad Zubair Hashmi, Advocate for defendants No.1 to 3.

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1-2. These two applications have been filed in this suit for cancellation of contract. Perhaps at some point of time the plaintiff had entered into an agreement of sale purchase and it is now pleaded that defendants at no point of time have any interest over the land in question and hence by compelling the plaintiff to deposit an amount fraud was committed and it has now been more than four years that the construction has not been raised and money was retained. Be that as it may, at this stage when the evidence is yet to be recorded and issues yet to be framed, the parties cannot be compelled to produce documents. Perhaps after framing of issues the parties may be directed to produce documents on which they are relying. Similarly a local investigation will not deduce anything that concerns with title, hence in view of the above, these two applications are misconceived and are accordingly dismissed.

3. Adjourned.

4. Since the service was effected upon defendant No.4 through all modes including publication, let the matter proceed exparte against defendant No.4.

JUDGE

Ayaz Gul