

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI

Suit No. 981 of 2003

| | |
|------|-------------------------------|
| Date | Order with Signature of Judge |
|------|-------------------------------|

For evidence

13.10.2023

None present for Plaintiff. No intimation is received.

The Plaintiff filed this Suit on 09.08.2003. The Court settled issues on 20.02.2006.

The Suit came up for evidence first on 12.09.2018 when none were present. The Court adjourned the case with a caution note that if the parties and/or their counsel fail to appear on the next hearing date, adverse orders may be passed. Office was directed to issue an intimation notice to the parties as well as their Counsel, and the matter was adjourned to 02.10.2018. None appeared on 02.10.2018. Bailiff's Report indicates that notices could not be served upon the Plaintiff. Thus, the Court ordered repeat notice to Plaintiff and his Counsel and adjourned the case to 30.10.2018.

It took another 4.5 years for the matter to come up for evidence yet again, on 09.08.2023. None appeared on behalf of the Plaintiff. Thus, this bench issued a Court Motion Notice to the Plaintiff, including their Counsel by Whatsapp and email and adjourned the case to 19.09.2023. None were present for Plaintiff. No intimation was received. Therefore, the Court adjourned the case and listed the case for the recording of evidence on 28.09.2023 at 1:00 p.m. This time, one Khurram Ashfaq, Advocate appeared in Court and requested time to file an appropriate application in light of the potential settlement, and the case was adjourned to 06.10.2023 at 09:30 a.m. Yet, once again, no one showed up. Neither Plaintiff nor Plaintiff Counsel. The case was then adjourned to 13.10.2023 at 10.00 a.m. Today, 13.10.2023, no one has turned up. This case was called twice today. Once at 10:00 a.m. and again at 11:00 a.m., but no one is present. No Vakalatnama for Khurram Ashfaq, Advocate who made submissions on 28.09.2023 is available on record.

The constant absence of Plaintiff and no effort on the part of Plaintiff to appoint/engage a Counsel on numerous dates of hearing to prosecute the suit is apparent from the record. Even when the Plaintiff's Counsel appeared and informed the Court that he would settle the case, no one was present on behalf of the Plaintiff on the next two successive date of hearing when the suit was listed for recording of evidence. The record demonstrates that even Defendants do not bother to turn up in Court. None have appeared on behalf of any of the parties on the last six (6) dates of the hearing except on one date. The Plaintiff has failed to appear and proceed with the matter. Based on the reported Judgments of *Moon Enterprises v. Sui Northern Gas Pipelines Limited*, 2020 SCMR 300 and *Ghulam Qadir v. Haji Muhammad Suleman*, PLD 2003 Supreme Court 180, it does not appear that the Plaintiff is keen to proceed with his matter.

In view of the above, this Court is constrained to hereby dismiss Suit along with all pending application(s) for non-prosecution.

J U D G E