

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

HCA No.305 of 2021

Date: Order with signature(s) of Judge(s)

1. For order on office objection
2. For hearing of main case
3. For hearing of CMA No. 2443/2021

05.12.2023

Mr. Muhammad Faran Khan, advocate for the appellant.
Mr. Muhammad Haseeb Jamali, advocate for respondents

This appeal impugns two orders of the learned Single Judge one that is of 18.10.2021 which granted an application for treating the suit under fast track policy and later an order passed on the review application. In relation to the first order it seems that apparently the appeal is barred by time, however, the later order dated 04.11.2021, this appeal is within time. It is appellant's counsel that there was no occasion for the plaintiff / defendant No.1 to file an application for treating this matter under fast track policy as in terms of the circular it was only the person fallen in such category identified in the circular, he could not have file the application, whereas, this application for treating this matter under fast track policy was filed by the plaintiff not identified as any of such person hence the order passed on such application was not lawful it could only be moved by the person so identified. Having observed this, both counsels submits that the preliminary decree has already been passed as it was a suit for administration and that they have also agree that they will not cause inordinate delay in proceeding with the case and that will be taken to its logical end at the earliest.

With this understanding we allow the appeal to the extent as discussed above, with the observation that the suit for administration be disposed of at the earliest.

JUDGE

JUDGE

Amjad/PA