

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

High Court Appeal No.309 of 2017

Muhammad Ali Sultan and others
Versus
Muhammad Hanif and another

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Present:
Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Omar Sial.

Dated 11.01.2024

Ms. Tahira Bano, Advocate for the Appellants.

Ms. Rabya Javed, Advocate for Respondent No.1.

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On the curtail day that is 20.03.2017 two matters that is suit No.2223/2015 and J.M. No.09/2016 were fixed before the learned single Judge. The connected J.M No.09/2016 was adjourned and was ordered to be taken up along with suit No.2223/2015 and was not heard, whereas, the connected suit No.2223/2015 was taken up on the same day and the pending application that is CMA No.16652/2015 was heard and decided by virtue of the impugned order in this appeal.

The only concern of the learned counsel appearing for the appellant in this appeal is that the J.M. No.09/2016, which was not heard on the day when the applications were fixed in the connected suit, should not have been disposed off by an order passed in connected suit, and ought to have been heard independently, as it could not be disposed off on the same reasoning assigned by the learned single Judge to the application bearing CMA No.16652/2015.

Learned counsel for Respondent No.1 has no idea if the connected J.M. No.09/2016 was also heard on the same day or not, however, she has not seriously objected if the order passed in

suit, to the extent it applied on J.M. No.09/2016 be not given effect, and the J.M. No.09/2016 be deemed to be pending for hearing. Order accordingly and the J.M. No.09/2016 shall be deemed to have been pending and be heard independently by the learned single Judge.

The instant High Court Appeal is disposed off in the above terms.

JUDGE

JUDGE

Ayaz Gul