

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-6240 of 2019

Date

Order with signature of Judge

DIRECTION:

1. For hearing of CMA No.9887/2023.
2. For hearing of CMA No.9888/2023.
3. For hearing of CMA No.9889/2023.

Dated; 8th May 2024

Mr. Muhammad Awais Shaikh, Advocate for Petitioner.

Mr. Hassan Mujtaba Abdi, Advocate for KMC.

Mr. Miran Muhammad Shah, Addl. A.G. Sindh and
Mr.Saifullah, Asst. A.G. Sindh.

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Learned counsel for the KMC requests for time to file reply/objection to the listed applications. Learned counsel for the petitioner, however, submits that instant petition may be restored to its original position, as it was dismissed for non-prosecution, therefore, the claim of the petitioner could not be decided on merits. According to learned counsel, if petition is restored, then petitioner will seek withdrawal of instant petition with permission to file fresh proceedings before the appropriate forum, as may be available to the petitioner in accordance with law, as according to learned counsel, if petitioner will not seek restoration of instant petition and permission of this Court to approach the relevant forum, such proceedings will not be entertained in view of the dismissal of instant petition, on the same cause of action.

While confronted with hereinabove submissions of learned counsel for the petitioner, learned counsel for KMC does not oppose the restoration of the petition, provided the petitioner may withdraw instant petition in the aforesaid terms. However, according to learned

counsel for KMC, it will be subject to all just exceptions and shall not prejudice the stance of the parties on merits.

Accordingly, by consent, listed applications are allowed and instant petition is restored to its original position. However, in view of the request of petitioner seeking withdrawal of instant petition with permission to file fresh proceedings before the appropriate forum in accordance with law, instant petition stands dismissed as withdrawn alongwith listed application.

CHIEF JUSTICE

JUDGE

Farhan/PS
