

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Suit -2635 of 2023

Date: Order with signature of the Judge

1. For orders on office objection at flag "A"
2. For hearing of CMA No.33/2024
3. For hearing of CMA No.34/2024
4. For hearing of CMA No.35/2024
5. For hearing of CMA No.36/2024
6. For hearing of CMA No.92/2024

13.08.2024

Mr. Safdar Mehmood, advocate for the plaintiffs
Mr. Khalid Mehmood Siddiqui, advocate for defendants
Ms. Rabia Khalid, Assistant Attorney General

This suit is pending since 2023 without any progress. Learned counsel for defendants had pointed out that the suit ought to be rejected under Order VII Rule 11 CPC *inter alia* in view of the office objection stated as follow :-

1. *Plaintiff No.1 is seeking declaration to have leasehold rights with regard to the subject suit plot for transferring of the suit plot and renewal of lease for which Plaintiffs has to satisfy within the meaning of Section 42 of Specific Relief Act, 1877.*
2. *Plaintiffs are seeking Specific Relief for transfer of subject suit plot and the Sale Agreement was executed between Plaintiff No.1 & Plaintiff No.2 on 29.09.2017 (Page 123), whereas the Plaintiff has filed this suit after the period of about 06 years as such suit prima facie appears to be barred under Limitation Act. Plaintiffs have to satisfy about the period of limitation.*
3. *Howe the suit falls within the ambit of Chapter 2 of Specific Relief Act 1877.*
4. *Suit in hand apparently falls within the ambit of Section 7 Rule 11 CPC sub clause (a) for the plaint does not disclose the cause of action accrued to the Plaintiff.*

Learned counsel for the plaintiff was confronted on the last date and he sought time to prepare himself. A fixed date was given at his suggestion and today despite repeat requests learned counsel expresses inability to proceed with the suit. Suit is dismissed for non-prosecution along with pending application/s.

Judge

Amjad