

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.1435 of 2008

Date

Order with signature of Judge(s)

1. For orders on Commissioner report dated 25.05.2024.

19.08.2024

Mr. Qayyum Nawaz Kundi, advocate for the plaintiff.
Mr. Ishtiaq A. Memon, advocate for the defendants No.1 to 3.
Mr. Haider Abbas, advocate holding brief for Mr. Liaquat Merchant,
advocate for the defendant No.4.

1. Per learned counsel, Commissioner appointed for recording of evidence herein vide order dated 29.08.2023. It is submitted that no evidence has been led before learned Commissioner by the plaintiff and the Commissioner report dated 25.05.2024 states exactly that. The said report categorically states that since the plaintiff has not led any evidence, therefore, the commission may be discharged.

Counsel for the plaintiff submits that in some other suit being 1001 of 2008 some application for consolidation has been filed, hence, it is admitted that no evidence has been led in this suit. Counsel for the defendant states that the said suit has already been dismissed vide order dated 22.11.2020.

It is admitted that the plaintiff has voluntarily opted to not lead any evidence. In view hereof, the learned Commission is hereby discharged. As a consequence thereof, the suit is hereby dismissed per Order 17 Rule 3 CPC.

Judge