

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

High Court Appeal No.154 of 2024

Uzair Saboor & another
Versus
Province of Sindh & others

Date	Order with signature of Judge
------	-------------------------------

1. For orders on CMA 909/24
2. For orders on office objection a/w reply as at "A"
3. For orders on CMA 910/24
4. For hearing of main case.
5. For orders on CMA 911/24

Dated: 17.04.2024

Mr. Zaheer Minhas for appellants.
Mr. Zain A. Soomro for respondent No.3 on statutory notice.

-.-.-

By virtue of impugned order dated 14.03.2024 in the absence of lead counsel when his brief was held by one Mr. Farhan-ul-Hassan Minhas Advocate, not only the interim order was recalled but the injunction application bearing CMA No. 13887/2021 was also dismissed.

It is appellants' case that absence of the lead counsel on the crucial date was justified as informed by the counsel holding brief and the previous defaults would not come in the way; he may have remained absent previously but if a justified cause is provided to the learned Single Judge of his absence on the crucial date then such a harsh order should not have been passed whereby not only interim order was recalled but the application itself was dismissed.

When confronted above position with Mr. Zain A. Soomro, learned counsel appearing for respondent No.3 on statutory notice, he initially objected and attempted to show his (lead counsel's) previous conduct however he soon realized that it is justification or non-justification of

the absence on the crucial date which matters. He however submits that without prejudice to the rights if only injunction application, which was dismissed for non-prosecution, be restored he would not object to it.

Accordingly by consent while we maintain recalling of interim order, application bearing CMA No.13887/2021, which is an injunction application be deemed to be pending and to such an extent impugned order is recalled.

Instant High Court Appeal stands disposed of in the above terms along with listed applications.

Judge

Judge