

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

Suit 1850 of 2023

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Date: Order with signature of the Judge  
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1. For orders on CMA No.8216/2023
2. For examination of parties / settlement of issues

**30.09.2024**

Malik Muhammad Asghar, advocate for the plaintiff  
Mr. Muhammad Rafi, advocate for defendant  
Ms. Naheed Akhtar, advocate for defendant

This is a suit for specific performance. On the last date learned counsel was confronted as to no balance sale consideration had been deposited. He categorically stated that plaintiff is not in a position to do so. At his request time was given and he was directed to obtain instructions. The following order was passed :

*"This is a suit for specific performance. Counsel for the plaintiff is confronted as to whether plaintiff is ready to deposit balance sale consideration and he states that presently plaintiff is not in a position to do so.*

*Counsel for the plaintiff is directed to obtain instructions and is also put on notice as to why on account of non-deposit of balance sale consideration the suit may not be dismissed pursuant to judgments of honourable Supreme Court reported as 2017 SCMR 2022, 2020 SCMR 171, 1997 SCMR 181, 2003 SCMR 953, 2021 SCMR 1270 and 2023 SCMR 555"*

Today, learned counsel has appeared and once again submitted that the plaintiff is not in a position to make the deposit. He merely seeks time. In view hereof and in *mutatis mutandis* application of judgments cited supra, suit is dismissed.

Judge

Amjad