

ORDER SHEET HIGH COURT OF SINDH AT KARACHI

Suit 1473 of 2022
Suit 1475 of 2022
Suit 1476 of 2022
Suit 1477 of 2022
Suit 1478 of 2022
Suit 1479 of 2022

Date	Order with signature of Judge(s)
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For hearing of CMA No.15572/2024

22.10.2024

Mr. Aamir Maqsood, advocate for the plaintiff
Mr. Ahmed Ali Ghumro, advocate for defendant

This is an application under Order VII Rule 10 CPC. Learned counsel for defendant demonstrates that there is only one defendant being Hyderabad Electric Power Supply Company (HESCO), based at Hyderabad. Learned counsel also adverts to paragraph 18 of the memorandum of plaint and demonstrated that the plaintiff has pleaded cause of action arose at Hyderabad. Learned counsel states that under such circumstances no case is made out for these suits to be entertained in the original civil jurisdiction of the High Court at Karachi.

Notice of this application was issued on 20.10.2023 on numerous dates including 19.12.2023 and 30.01.2024, time was sought by the plaintiff. On 26.03.2024, suit was dismissed for non-prosecution, vide the following order :

“These suits have been filed against Hyderabad Electric Supply Company, prima facie, outside territorial remit of this court. Applications under Order VII Rule 10 CPC were filed in each of the suits, seeking return of the respective plaints and the same remain pending. On the last date adjournment was sought. Upon specific request a fixed date of today was given. However, brief is held today and again adjournment is being sought for no cogent reason. In view hereof, these suits are dismissed for non-prosecution.

Office is instructed to place copy hereof in each connected file”

The suit was subsequently restored and remained pending for hearing of application under Order VII Rule 10 CPC. On the last date of hearing the following order was passed :

“Learned counsel seeks time. At their request these matters are adjourned. To come up after six weeks. Office is instructed to place copy of this order in connected matters”

Today, the respective learned counsel are present and once again learned counsel for the plaintiff merely seeks time.

In view hereof learned counsel for the defendant has demonstrated a prima facie case for grant of application under Order VII Rule 10 CPC. Learned counsel for the plaintiff has made absolute no effort to contest the same. In view hereof this application is allowed. Plaints are returned to the plaintiff.

Office is instructed to place copy of this order in connected matters.

Judge

Amjad