

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.1350 of 2023

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Date

Order with signature of Judge(s)

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1. For orders on CMA No.17567/2024.
2. For orders on CMA No.17668/2024.

**03.12.2024**

Mr. Akhtar Hussain, advocate and Mr. Ameer-Uddin, advocate for the plaintiff.

Mr. Mohammad Qaiser Hassan Khan, advocate for the defendant.

1. Urgency granted. 2. The plaintiff, being the majority shareholder of the defendant per paragraph 2 of the memorandum of plaint, has filed this recovery suit against the defendant claiming amounts alleged to have become due thereto with effect from 1995. Notwithstanding any limitation implication, the suit was filed in 2023. The matter is listed for the first time in Court today and that also for orders on an application per Order 23 rule 3 CPC. *Prima facie* claims that could not be recovered from the defendant since 1995 have suddenly been accepted. While the parties remain at liberty to enter into any private agreement *inter se*, no cause could be demonstrated for this Court to decree the suit mechanically, as sought, against a public limited company.

Learned counsel for the plaintiff to assist *inter alia* as to how this court can decree the recovery of any amount without addressing the issue of limitation at the very onset. Learned counsel for the defendant is put on notice to file the complete record of corporate authorization culminating in the acceptance manifest vide the affidavit accompanying the present application. Adjourned.

Judge