ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.S-869/2022

Date | Order with signature of Judge

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1. For order on CMA No.5908/2022
2. For order on CMA No.5909/2022
3. For order on CMA No.5910/2022
4. For hearing of main case.

10.10.2022

Raja Muhammad Safeer advocate

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By order dated 07.09.2022 cross examination of witness Irfan Ali was not allowed on the plea that matter was taken up at 11.30 a.m and examination in chief of court witness was recorded in presence of associate of counsel for plaintiff; at that time associate again requested the court to fix the matter at about 12.30 p.m. when his senior will cross examine the court witness, matter was therefore taken up at 12.30 pm when senior counsel failed to appear. On this ground cross examination was not allowed and the side was closed.

Needles to mention that no one shall be knocked out on technicalities and how chief examination can be relied upon when there is no cross examination; request was made by the associate of senior counsel. Therefore order dated 07.09.2022 is set aside. Learned trial court shall allow cross examination of the said witness within a week; in case counsel for applicant fails to cross examine, learned trial court shall be competent to close his side. Subsequent witnesses who were also not allowed to be cross examined, hence that order is also set aside. Trial court shall ensure that opportunity of fair trial is afforded as enshrined in article 10-A of the Constitution that shall be complied with, with full opportunity of hearing to both parties.

Disposed of.

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