

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
CRA No.S-98 of 2024

Date	Order with signature of Judge
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1. For hearing of main case
2. For hearing of CMA No.853/2024.

21.10.2024

Mr. Manoj Kumar Tejwani, Advocate for the Applicants
M/s. Manzoor Hussain N. Larik and Waqar Ali Phulpoto,
Advocate for the Respondents

After arguing the matter at some length, where learned Counsel for the Applicants has brought Court's attention towards order dated 18.04.2022, passed by this Court in Civil Revision Application No.S-108 of 2009, and submits that same has been challenged before the Hon'ble Supreme Court, however, even notices have not been issued. Counsel for the Respondents, in these circumstances, has shown his unawareness whether the said judgment has been challenged or not?

Be that as it may, since earlier suit filed by the Applicants bearing F.C. Suit No.35 of 1995 was dismissed bringing back both the parties at zero point hence there could be two possibilities, either the latest suit filed by the Respondents bearing F.C Suit No.77 of 2022 reaches to its conclusion after going through the usual process or the applicants manage to get the favorable order from the Hon'ble Supreme Court. It is also an admitted position that about two years have been passed since the leave to appeal, as claimed, is pending before the Hon'ble Supreme Court without any favourable orders.

After arguing the matter at length, both the Counsel agreed that instant revision application may be disposed of

with direction to learned trial Court to proceed with F.C Suit No.77 of 2022 as per law. Ordered accordingly. Let F.C Suit No.77 of 2022 be decided after framing of issues and have the same decided on merits, however, the findings of the suit would be subject to outcome from the Hon'ble Supreme Court.

Instant revision application stand disposed of in the above terms along with pending application(s).

JUDGE

Faisal Mumtaz/PS