

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

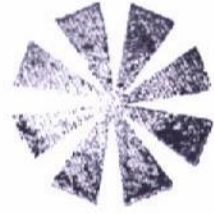
Suit No.182 of 2014

Date	Order with signature of Judge
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1. For orders on CMA 4046/15
2. For orders on CMA 4047/15

Dated: 11.03.2015

Ms.AmbreenLakhani for the plaintiff.  
Mr. Jam Habibullah, State counsel.



- 1) Granted.
- 2) Learned counsel submits that the plaintiffs are in process of negotiating a settlement of the dispute with the defendants and hence they have filed this application for withdrawal of the suit as its pre-condition with permission that in case the settlement is not arrived at between the parties they may be allowed to file fresh suit. Perusal of provisions of Order XXIII Rule 2(b) CPC reveals that the permission is to be granted to the plaintiffs for filing fresh suit in case the defect therein is such which is not curable however the ground that has been agitated is claimed to be such that in case of failure to reach settlement it may give them fresh cause of action for which no permission is required. Accordingly, the application is granted to the extent that the suit is dismissed as not pressed unconditionally along with pending applications. However, in case such settlement is not arrived, they may approach for redressal of grievance and no permission is required since it is claimed to be a fresh cause of action.

  
Judge