

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1694 of 2006

Date

Order with signature of Judge

For final disposal:

05/09/2013:

Mr. Adnan Iqbal Chaudhry, Advocate for the plaintiffs.

Syed Khizar Asker Zaidi, AAG for Defendants No.1, 2 and 5.

None present for Defendants No.3 and 4.

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Today this case is fixed for final disposal and perusal of order sheet shows that since the defendants inspite of service had not appeared. The defendants were declared exparte. It is pertinent to note that all the defendants are officials of Government of Sindh and City District Government Karachi and yet they have remained absent. However, on 1.10.2012 three counsel appeared on behalf of Defendants No.1, 2 and 5 and the other remained exparte. The said counsel for Defendants No.1, 2 and 5 sought time to file written-statement but they did not file any written-statement. However, since the Defendants No.1, 2 and 5 had entered appearance through their counsel the proceedings from the stage of final disposal ought to have been changed to the regular proceedings as some of parties have entered appearance. All this examination of file was done with the assistance of Mr. Adnan Iqbal Chaudhry, learned counsel for the plaintiffs, which consumed about fifteen minutes of the Court and as I was about to striking of the defence of Defendants No.1, 2 and 5 on their failure

to file written-statements, Syed Khizar Asker Zaidi, Assistant Advocate General Sindh, appeared on behalf of Defendants No.1, 2 and 5 and sought time to file written-statement. He has failed to give any justification for seeking further time to file written-statement on behalf of government functionaries in a case which is pending since 2006 despite the fact that even earlier on three dates the defendants had failed to file written-statements without even seeking further time. I am reluctant to give time, however, with the consent of learned counsel for the plaintiff two weeks' time is granted to the learned AAG to file written-statement as a matter of last chance. In case, the defendants fail to file written-statement within the stipulated time their right to file written-statement shall be deemed to have struck off.

To come-up after two weeks.

JUDGE

S. Akhtar