

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1339 of 2009

Date	Order with signature of Judge
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For further orders as Commissioner report not yet received since 8.3.2010 and 27.8.2012.

(Notice issued to the Commissioner for 09.09.2013)

09/09/2013:

Mr. Abbad-ul-Hasnain, Advocate for the plaintiff.

Mr. Sohail Muzaffar, Advocate for the defendants.

Mr. Muhammad Haseeb Jamali, Commissioner for recording evidence, is present in person.

In this case on 8.3.2010, by consent of the parties, Mr.Haseeb Jamali Advocate was appointed Commissioner to record evidence of the parties and since then only three affidavits-in-evidence of plaintiff's witnesses have been filed but unfortunately none of the witness has been examined. Today Mr. Haseeb Jamali appears in Court and says that he wants time to file his report during the course of the day. He also requests that he may be excused from further proceeding in the matter. In the circumstances of the case learned counsel for the parties request for appointment of Mr.Dilawar Hussain, Advocate, as a new Commissioner. Mr.Haseeb Jamali, may file his report during the course of the day. As suggested by learned counsel for the parties Mr. Dilawar Hussain, Advocate, is appointed new Commissioner to record further evidence of the parties on the same terms and conditions as indicated in the order dated 8.3.2010. Mr. Haseeb Jamali is requested to hand over the evidence part of the report with a proper acknowledgement to Mr. Dilawar Hussain, Advocate,

so that there shall be no unnecessarily delay in handing over and taking over the documents/pleadings. The parties are directed to make their formal appearance before the new learned Commissioner on 14.9.2013 at 11.00 a.m., on which date the learned Commissioner is expected to fix a date for cross-examination. Six months' time is allowed to the learned Commissioner to return the commission.

Office is directed to communicate this order to Mr. Dilawar Hussain, Advocate, at the earliest.

JUDGE

S. Akhtar