

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1104 of 1997

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Date	Order with signature of Judge
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For evidence:

11/09/2013:

M/s. Muhammad Arif Khan and Liaquat Hussain,  
Advocates for the plaintiffs.

Mr. Asad Rizvi Advocate for Mr. Kumail Ahmed  
Sherezze, Advocate for the defendant.

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This case is pending for evidence of defendant since the year 2007. Even today defence evidence is not available in Court and there is no proof that the names of witnesses mentioned in the list given on 12.6.1998 by the defendant that those officer are not available in their office. On the face of it after fourteen years the change of list of witnesses should have been made at least in 2007 or 2008 when plaintiff's evidence was completed and if not then at least today the defendant should have come with the fresh list of witnesses. Since no list of witnesses has been filed today as a matter of last chance the defendant is directed to file a fresh list of witnesses on or before 20.9.2013. This being a case of the year 1997 and the defendant is not producing his evidence since 2007, therefore, it is ordered that the evidence of the witnesses of defendant whose list should be filed before 20.9.2013, will be recorded by Mr. Dilawar Hussain, Advocate. Affidavits-in-evidence of all the witnesses of defendant should be prepared and filed before the learned Commissioner on or before 15<sup>th</sup> October 2013. The learned Commissioner is directed that after receiving the

affidavits-in-evidence he will give a fix date for cross-examination of the witnesses and conclude the cross-examination and submit his report within a period of two months from 15.10.2013 onward. The fee of the learned Commissioner will be Rs.15,000/- per witness which will be paid by the plaintiffs on or before 15<sup>th</sup> October 2013. In case of non-compliance of this order the defendant's side will be closed.

JUDGE

S. Akhtar