

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 898 of 2013

Date

Order with signature of Judge

Foe hearing of CMA No.7405/13 (U/O 39 R 1&2 CPC):

12/09/2013:

Khawaja Azizullah, Advocate for the plaintiff.

Mr. Mukhtar Hussain Qazi, Standing Counsel
for Defendant No.1.

Mr. Farmanullah Khan Advocate holding brief for
Mr.Asim Iqbal, Advocate for Defendants No.2 to 4.

Learned counsel for Defendants No.2 to 4 is reported to be busy before High Court of Sindh, Circuit Court at Larkana, and a request for adjournment has been made on his behalf.

The learned Standing Counsel is present for Defendant No.1 and seeks time to file comments. On 5.8.2013 Attorney General for Pakistan was put on notice that as a matter of last chance comments should be filed in this case on behalf of Federation of Pakistan – Defendant No.1. The case was fixed on 20.8.2013 and nobody appeared on behalf of the DAG Office. The case was again fixed on 29.8.2013 and nobody appeared on behalf of Federation. Then on third time it was fixed on 4.9.2013 and even on that day Agha Saifullah, Standing Counsel, appeared in Court, however the Court record says that no comments or written-statement has been filed by the Federation. In view of order dated 5.8.2013 the Federation is debarred from filing written-statement/comments in this case. However, if at all the Federation is willing to file comments/written-statement they may do so on or before

23.9.2013 but subject to payment of cost of Rs.10,000/- to be paid to the learned counsel for the plaintiff since he comes from Tando Allahyar. From the perusal of the order sheet it is noted that learned counsel for the plaintiff has never sought time and was present in Court on every date of hearing.

Learned counsel for the plaintiff is put on notice to explain that how this Court has jurisdiction to entertain this suit at Karachi when case pertains to the property situated at Rohri and it should have been filed in Court at Rohri and why plaint should not be returned to the plaintiff in terms of Order 7 Rule 10 CPC.

To come-up on 23.9.2013.

JUDGE

S. Akhtar