

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1492 of 2011

Date

Order with signature of Judge

For examination of the parties/settlement of issues.

24/09/2013:

Mr. Zahid F. Ebrahim, Advocate for the plaintiffs.

Mr. Khalid Shah, Advocate for Defendants.  
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By consent of the parties proposed issues filed today on behalf of the defendants are adopted and are as under:-

- 1) Whether the plaintiffs leased/rented and maintained locker No.427 at the Shahrae Faisal Branch of the Defendant No.1 and on what terms and conditions?
- 2) Whether the Defendants owed the plaintiffs any duty of protection and safety in respect of the contents of the plaintiffs locker No.427 and whether there was any breach of such duty in April 2011?
- 3) What is the effect, if any, of the limitation of liability form (Annexures D/1 & D/2 of the written statement) which the plaintiffs signed?
- 4) What is the effect of State Bank of Pakistan BPRD Circular No.5 of 2007?
- 5) Whether the plaintiffs suffered any financial loss or damage due to the alleged loss of contents of the locker No.427 and whether the defendants are liable to compensate the plaintiffs? If so to what extent?
- 6) Whether the plaintiffs suffered any mental hurt/trauma or agony at the hands of the defendants officers? If so to what extent?
- 7) Whether the plaintiffs are entitled to receive compensation and damages in the sum of Rs.181.05 Million or any other amount from the defendants and if so, from which defendant(s)?

8) What should the decree be?

List of witnesses to be filed within seven days and documents within one month.

By consent of the parties and as suggested Mr. Abdul Aziz, former District and Sessions Judge, is appointed Commissioner to record evidence of the parties. The parties may lead evidence by means of affidavits-in-evidence alongwith all original documents on which they intend to rely with advance copy to the other side. The learned Commissioner shall keep photo-copies on record and return the original documents to the witnesses after seeing them. The fee of the learned Commissioner will be Rs.15,000/- per witness which shall be paid by parties whose witness is to be examined. Commission is to be returned within three months which will start from the receipt of this order by the learned Commissioner.

Office to communicate this order to the learned Commissioner at the earliest.

S.Akhtar

JUDGE