

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1251 of 2008

Date	Order with signature of Judge
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1. For hearing on CMA No.1892/2013 (U/O XX1 R 77 CPC)
(Objection to this application filed)
2. For arguments.

10/10/2013:

Mr. Mehar Khan, Advocate for the plaintiffs.

Mr. Shahnawaz Sehto, Advocate for the defendants.

1. This is a suit for administration of properties of deceased Syed Safdar Hussain Shah Shamsi who died on 25th June, 2007. In this case evidence has been concluded and Defendant No.2 has appeared in the witness-box and was cross-examined on 11.9.2013. On the said date he did not produce any document and no request for filing of documents was made before the learned Commissioner. He had no other witness to produce and his cross-examination was completed before the learned Commissioner and, therefore, his evidence is closed. Now the case is fixed for final arguments. However, this application (CMA No.1892 of 2013) has been filed by the defendants for production of documents and recalling of witness without any justification. The justification mentioned in the application and its supporting affidavit that the documents were in the hand of Defendant No.1 and, therefore, the documents could not be produced. Unfortunately this is not a sufficient ground for reopening of the side of defendants for evidence. There is no justification shown in the affidavit and application that why Defendant No.1, who is himself a Defendant

No.1, did not hand over these documents to the Defendant No.2 at the time of sending him for recording of evidence. Even today the Defendant No.1 who is supposed to have the said documents in his custody has not come forward. In the circumstances this application (CMA No.1892 of 2013) is dismissed being hopelessly without any justification.

2. By consent adjourned to a date in office.

S.Akhtar

JUDGE