

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1453 of 2012

Date	Order with signature of Judge
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1. For hearing of CMA No.11260/2012 (U/O 39 R 1&2 CPC)
2. For hearing of CMA No.1678/2013 (U/S 151 CPC)
3. For hearing of CMA No.7970/2013 (U/S 3 & 4 OF C.C. ACT)
4. For hearing of CMA No.9497/2013 (U/S 151 CPC)

21/10/2013:

Plaintiff Muhammad Aslam Shaikh Advocate in person.

Mr. S. M. Alam Advocate alongwith Defendant No.2.

None present for the rest of the defendants.

This is a suit for damages filed by the plaintiff with the following prayer:-

“It is, therefore, most humbly and respectfully prayed by the undersigned Plaintiff that this Hon’ble Court may graciously be pleased to restrain the Defendants No.2 to 6, not to harass, humiliate and pressurize the Plaintiff on one or the other pretext, hand over the peaceful possession of the office and flat under their illegal custody and to direct them to hand over the documents as mentioned above and also restrain them till final decision of the matter pending before this Hon’ble as well as before the Supreme Court of Pakistan.”

There is no prayer against Defendants No.7, 8 and 9 and, therefore, they were not even a proper party nor necessary party in this case. Before filing of this suit the plaintiff has already filed Suit No.1274 of 2012 for damages and possession of the same property. The plaintiff has not been able to satisfy the Court that under what circumstances the second suit for recovery of possession of the same property is maintainable. The question of recovery of possession is to be decided after recording of evidence

in Suit No.1274 of 2012. It is also an admitted position that none of the defendants in this suit (Suit No.1453 of 2012) are in possession of the property in question. Therefore, there is no question of recovery of possession and handing over the same through these proceedings. In the circumstances this suit being frivolous is dismissed under Order 7 Rule 11 CPC alongwith the listed applications. The plaintiff is warned that if he files similar suit in future without taking care of legal proposition and fails to justify for filing the subsequent suit heavy cost will be imposed on him.

JUDGE

S.Akhtar