

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 378 of 1997

Date

Order with signature of Judge

For evidence:

23/10/2013:

Mr. Mehmood Habibullah, Advocate for the plaintiff.

Mr. Abdul Jalil Zubedi, Standing Counsel for the defendants alongwith Sub-Lieutenant Raeesa Khatoon and Sub-Lieutenant Saeed Hussain Shah, Law Branch of Defendant No.2.

Officials of Defendant No.1 present inform that they were aware that this case is fixed today in the Court. However, no letter was received in the office of Defendant No.2 from the office of Deputy Attorney General for Pakistan at Karachi. On further enquiry they have informed the Court that around 56 cases of Pakistan Navy – Defendant No.2 are pending in the High Court of Sindh at Karachi and the Law Branch of Defendant No.2 is fully aware of the cases pending in the High Court. The Law Officers of Defendant No.2 are also aware the stages of each case such as hearing of application, evidence or final arguments through the automation system of High Court. However, all the Federal Law Officers representing the Pakistan Navy whenever appear in Court inform that they are not in proper contact with Pakistan Navy and, therefore, they always remain unprepared in the cases.

Since the responsible Officers of Law Branch of Pakistan Navy are present in Court, it is ordered that Law Officers of Attorney General Office at Karachi are not required to send letter to the defendants – Pakistan Navy in any of the cases pending in the High Court and no excuse of lack of communication between the DAG Office and Pakistan Navy will be accepted for adjournment. It is the duty of the client to find his counsel and government departments who have in-house Law Branches are not supposed to wait for formal letters from the Law Officer to act to secure their interest. The Law Branch of Defendant No.2 is fully aware of movement of their case through website of High Court

and, therefore, it is expected that they will facilitate Law Officer by giving briefing of their case advance in time before the exact date of hearing without waiting for an intimation from the Karachi office of DAG.

This case is pending since 1997 and presently it is fixed for recording of evidence of Pakistan Navy – Defendant No.2 and no witness is in attendance. As a matter of last chance this case is adjourned to 5.11.2013 for filing of affidavit-in-evidence by the defendants before the Commissioner for recording of evidence with advance copy to the learned counsel for the plaintiff alongwith the documents. Mr. Kausar Ali Bukhari, (Retd.) District & Sessions Judge, having office at Room No.89, 7th Floor, Farid Chambers, Abdullah Haroon Road, Saddar, Karachi, Cell No.0300-2495104, is appointed as Commissioner to record evidence of the defendants' witnesses. The fee of the learned Commissioner is fixed at Rs.10,000/- (ten thousand) per witnesses which will be paid by the defendants in advance and it is expected that the learned Commissioner will return the Commission within two months after 5.11.2013. Copy of this order be sent to learned Commissioner for recording of evidence and a copy of this order be sent to DAG Office Karachi with a request to forward it to all Law Officers.

JUDGE

S.Akhtar