

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 453 of 2003

Date

Order with signature of Judge

For Evidence.

(Copy of order has been issued to Senior Member Board of Revenue and A.G. Sindh for 08.10.2013.

Notice issued to A.G. Sindh for 24.10.2013.

24/10/2013:

None present for the plaintiff.

Mr. Ahmed Pirzada, Advocate for Defendant No.1,
alongwith witness Sher Hussain Shah, Additional
Deputy Commissioner-II, District Karachi-West.

Mr. Ahmed Madni Advocate holding brief for Mr. M.
Naimur Rahman, Advocate for Defendant No.2.

This case is of 2003 and is pending for recording of evidence of defendants. On several dates witness of Defendant No.1 remained absent. Today its witness is present in Court. Since the Court is over burdened with the cases of 1985 and prior to the said year, the evidence of Defendant No.1 be recorded on commission. The counsel for Defendant No.1 is not willing for appointment of a commissioner for recording of evidence on the ground that he could not pay the fee of commissioner. Mr. Muhammad Ikram Siddiqui, Advocate who is present in Court, informs the Court that he is ready to act as Commissioner for recording of evidence of Defendant No.1's witness voluntarily. Mr. Ahmed Pirzada says that he will produce only one witness in this case. Since this is a matter of 2003 the commission is to be completed within one month and no notice will be issued. The affidavit-in-evidence of Defendant

No.1 is already in the Court file and learned counsel will supply its copy alongwith annexures to Mr. Muhammad Ikram Siddiqui on 2.11.2013 at 1.30 p.m. in the Consultation Room. It is indeed the Court is very kind enough to Mr. Muhammad Ikram Siddiqui to act as Commissioner without any fee. However, it is made clear that if any of the party fails to appear before the learned Commissioner or seek adjournment a penalty of Rs.5,000/- will be paid to the High Court Bar Library otherwise his/her right to record evidence or cross-examine the witness will be closed and whatever the case may be. The learned Commissioner to submit his report on or before 30.11.2013 and no request for extension of time of commission will be entertained after 30.11.2013 and suit will go for final arguments.

JUDGE

S.Akhtar