

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 801 of 1996

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Date	Order with signature of Judge
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1. For hearing of CMA No.11779 of 2012
2. For arguments.  
(A/w evidence file)

01/11/2013:

Mrs. Shabana Ishaque, Advocate for the plaintiffs.

Mr. M. A. Qadri, Advocate for the defendants.  
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In this case the Court has framed the following issues on

12.8.1998:-

- “1. Whether the plaintiffs are entitled for their shares in the respective properties and its possession being legal heirs?
2. Whether the properties had been sold out by the deceased Haji Munsifuddin in his life time except one?
3. Whether the power of attorney executed in the favour of defendant No.1 by deceased Haji Munsifuddin is genuine?
4. Whether the deceased Haji Munsifuddin was paralysed before his death if so how much period.
5. What should the decree be?”

Between the same parties another Suit No.1150 of 1998 was pending in this Court which was somehow transferred to the Court of Ist Senior Civil Judge, Karachi-West, and was given new Suit No. 983 of 2002. In the said suit the Court had framed the following issues:-

- “1. Whether the irrevocable General Power of attorney vide Registration No.2435, dated 29.10.1992, is a forged by way of fraud?

2. Whether the executants of attorney, namely Haji Munsifuddin was suffering from paralysis and unable to sign on the documents, of irrevocable General Power of attorney?
3. Whether the plaintiffs are entitled for relief which they have claimed?
4. What should the decree be?

Issue Nos.3 and 4 in the present suit are common with the Issues No.1 and 2 in Suit No.1150 of 1998 (new Suit No.982 of 2002) and on 3.11.2012 the Defendants No.1 to 3 filed CMA No.11779 of 2012 in this case with a prayer to call Suit No.1150 of 1998 (new Suit No.982 of 2002) from the Court of Ist. Senior Civil Judge, Karachi-West, to avoid multiplicity of the litigation. However, pending CMA No.11779 2012, Suit No.1150 of 1998 (new Suit No.982 of 2002) has been disposed of by a judgment dated 10.10.2013 by the Court of Ist Senior Civil Judge, Karachi-West. In view of the fact, parties are directed to address the Court on the point of effect of findings already given by the Court of Ist. Senior Civil Judge, Karachi-West, on the present proceedings whether this suit has become infructuous or not?

Adjourned to a date in office.

JUDGE

S.Akhtar