

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI.

Suit No.76 of 2010

Date	Order with signature of Judge
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For Final Disposal.

04.11.2013.

Mr. Khalid Latif, for plaintiffs.
Mr. Mansoor-url-Arfin, for Official Assignee.

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This suit has been filed by the plaintiffs, who are already plaintiffs in Suit No.879/1979.

I have heard learned counsel for the plaintiffs regarding maintainability of the suit and also that under what circumstances the plaintiffs, who are already in Court since 1979, have filed suit in 2010, after almost thirty (30) years in respect of the same property. To this point, learned counsel for plaintiffs submit that Suit No.76/2010 is on different cause of action. On the face of it, if it is correct then obviously Suit No.879/1979 shall have no nexus with this suit. At the same time, learned counsel for plaintiffs submits that this suit came-up with Suit No.879/1979 on the orders passed by Hon'ble Supreme Court in the year 1993 and such order have bearing on this suit as well. I am afraid that when learned counsel for plaintiffs himself admits that cause of action of the earlier suit i.e. Suit No.879/1979 is different than the cause of action of instant suit, how he can interpret any orders passed in 1993 which may have bearing on a case about which he was not having a cause of action. Therefore, it is hereby ordered that Suit No.76/2010 is separated from all other bunch of cases. Office to fix this suit separately with direction to place it in Court on the next date for the purpose of determining its maintainability. The parties are directed to obtain and file certified copies of whatever documents they want to refer in this case, from the other cases, if so required, but no other file will be examined for the purpose of determining maintainability of the suit.

Adjourned to 25.11.2013.

Judge

Ayub