

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1216 of 2003

Date

Order with signature of Judge

For hearing of CMA No.7373/2013 (U/O 13 R 1 CPC):
(Notice of CMA No.7373/2013 issued for 07.10.2013 but nobody returned to collect the same for purpose of service out of Karachi).

11/11/2013:

Mr. Muhammad Irfan, Advocate for the plaintiff.

Ms. Mahreen Ibrahim, Advocate for Def. No.3.

Mr. Zahid Marghoob, Advocate for Def. Nos.5 and 6.

None present for the rest of the defendants.

On 20th April 2013 the evidence of plaintiff was concluded before the learned Commissioner and thereafter as reported by learned counsel for Defendant No.3 that her client has already filed his affidavit-in-evidence. However, she is not sure about filing of affidavit-in-evidence by Defendant No.3 or even the number of witnesses of Defendant No.3 whom the Defendant No.3 would like to produce. Learned counsel for Defendants No.5 and 6 has already filed three affidavits-in-evidence on behalf of his clients and out of which one affidavit-in-evidence is filed beyond the time and through this application (CMA No.7373 of 2013) he seeks permission of the Court to accept the third affidavit-in-evidence of Defendants No.5 and 6. Since the evidence of defendants has not yet started and the Defendants No.5 and 6 are ready with their witnesses to be present at the time of evidence before the learned Commissioner there is no legal impediment on the defendants to bring any number of witnesses in support of their case. This

application is granted. The time for recording of evidence by the learned Commissioner has been expired as reported by learned counsel for the parties. The time for recording of evidence by the learned Commissioner is extended for a further period of six months which will be started from the receipt of this order by the learned Commissioner. The Defendant No.3 is specifically directed that he must file his affidavit-in-evidence before the learned Commissioner if he has not done so. Learned counsel for Defendant No.3 is also directed to ensure that all affidavits-in-evidence of Defendant No.3 to be filed before the learned Commissioner on the first date before the learned Commissioner otherwise she will not be allowed to produce her evidence. Once the affidavits-in-evidence of witness(s) of Defendant No.3 is filed and cross-examined the evidence of Defendants No.5 and 6 shall be taken-up by the learned Commissioner. The Defendants No.5 and 6 are also directed that they will not be allowed to file further affidavit-in-evidence except the three already filed by them.

Office to communicate this order to the learned Commissioner at the earliest.

CMA No.7373 of 2013 is disposed of in view of above order.

JUDGE

S.Akhtar