

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 652 of 2010

Date	Order with signature of Judge
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For hearing of CMA No.10913/2012

25/11/2013:

Mr. Riaz Haider, Advocate
Mr. Khalid Imran, Advocate
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Learned counsel for defendants No.1&2 does not press CMA No.10913/2012 which is dismissed. He has already filed written statement copy of which has been received by the learned counsel for the plaintiff. Defendant's counsel has filed similar application and he also does not want to press the same. These applications are required to file under Order 9 Rule as no such order has been passed upon them debarring from the array of defendant. This casual of client cannot be allowed unnoticed. This request for time is lack of communication responsibility of counsel for defendants No.1&2.

Mr. Riaz Ahmed Advocate appearing on behalf of defendants No.3&4 and vakalatnama is available in Court file dated 18.1.2012. Defendants No.3&4 were declared exparte after 8 months filing of power on behalf of defendants No.3&4 on 4th September 2012. Riaz Haider advocate seeks time for recalling of order dated 4.9.2012 meaning thereby even till date he has not filed application for recalling of order. Apparently if he will make application keeping in mind the limitation.

Adjourned to a date in office.

JUDGE

Mr. Nadeem Ahmed Farooqi, Advocate for the
defendant.

1. This is a suit for administration pending since 2003. The properties mentioned in schedule A and B admittedly in the official record in the name of deceased. Though, the dispute raised by the defendants in their written statement that suit property is Benami.

It is out of scope of the administration suit, pending issue of any nature, a preliminary decree in this suit can be issued and official Assignee is directed to take all accounts of income generated from the shops/properties in dispute and make an inventory and submit the same alongwith his final report accordingly so that if any final decree may be passed regarding the said property(s).

2. Learned counsel for the plaintiff does not press this application (CMA No.2916 of 2013) which is accordingly dismissed as not pressed.

3. CMA No.4138/13 has been filed by defendant No.1 for movement of electricity meter from one place to other place. It is alleged that plaintiff is committing theft from the said meter. There is no provision under Section 151 CPC to resolve the criminal act of either party, therefore this application is dismissed.

GULZAR

JUDGE