

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1178 of 2009

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Date	Order with signature of Judge
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For hearing of CMA No.6696/2013 (Application for appointment of commissioner)

(Notice of CMA # 6696/2013 advocate for the defendant No.25.11.2103.

25/11/2013:

Mr. Muhammad Nawar, Advocate holds brief for  
Mr. Abdullah Baloch, Advocate for the Plaintiffs.

Mr. Abdul Qayyum Abbasi, Advocate for Defendant.  
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On 29.11.2010 issues were framed in this case and since then case has not come up for evidence of the parties. Similar application for appointment of commissioner for recording of evidence on commission were dismissed for non-prosecution. Today again a similar application is repeated. It is in the sole discretion of the Court to appoint commissioner and the Court is not required to obtain consent of the counsel of either party for such order. This Court is already over burdened with routine matters, therefore, there is no possibility of recording evidence in Court. In the circumstances Syed Kausar Ali Bukhari, former District and Sessions Judge, having office at Suite No.52, 4<sup>th</sup> Floor, Fareed Chambers, Abdullah Haroon Road, Saddar, Karachi, bearing Cell # 0300-2495104, is appointed Commissioner for recording of evidence of the parties. This is a suit for damages and plaintiff says that he will only examine himself. Commissioner fee is Rs.20,000/- per witness to be borne by the parties themselves for their witnesses. Commission fee is to be paid in advance. The Plaintiff is directed to file affidavit-in-evidence and supply a copy in

advance to the other side on or before 15.12.2013. Alongwith affidavit-in-evidence learned counsel of either side should appear on 15.12.2013 at 10:30 a.m before the learned Commissioner in consultation room High Court. The Commissioner shall fix date for cross-examination. Commission should be completed preferably within a period of two months. Neither party has filed list of documents. However, by consent of the parties, let documents be filed alongwith affidavits-in-evidence on which they intend to rely.

In view of above CMA No.6696 of 2013 is disposed of.

To come up after the commission is completed.

S.M

JUDGE