

# ORDER SHEET

## HIGH COURT OF SINDH AT KARACHI

Suit No. 844/2011

| Date | order with signature of Judge  |
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| 1.   | For hearing of maintainability of suit (vide Courts order dated 16.3.2011 & 25.4.2012) |
| 2.   | For orders on Nazir report dated 01.01.2011.   |
| 3.   | For hearing of CMA No.11808/2010 U/o. 39 rule 1 & 2 CPC)                               |
| 4.   | For hearing of CMA No.13161/2010 (U/A 204 of Constitution)                             |
| 5.   | For hearing of CMA No.5966/11 (U/a.1 R 10)   |
| 6.   | For hearing of CMA No.5967/2011 (U/o.7 Rule 11 CPC)                                    |
| 7.   | For hearing of CMA No.395/2011 U/a. 204 of Constitution)                               |
| 8.   | For hearing of CMA No.396/2011 (U/s. 151 CPC)  |
| 9.   | <u>For hearing of CMA No.880/2012 U/o. 18 Rule 18 CPC)</u>                             |

26.11.2012

None present for the Plaintiff.

Mr. Muhammad Jamil, Advocate for the Defendant No.1.

Mr. Muhammad IdreesAlvi, advocate for the Defendant No.2.

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This suit was filed on 15.11.2010 and by order dated 16.3.2011 learned counsel for the Plaintiff was directed to satisfy the Court on the question of maintainability of the suit. Since that date the counsel for the plaintiff only seeking time or remain absent from the Court proceedings. On 27.5.2011 learned counsel sought time to satisfy the Court on the question of maintainability. On 17.2.2012 he was called absent. On 22.2.2012 he was again unable to address the Court on the issue of maintainability and case was adjourned to 20.3.2012. Again on 20.3.2012 the plaintiff was directed to satisfy the Court with regard to the maintainability of the suit. On 25.4.2012 the case was adjourned to 24.5.2012 for consideration of the issue of maintainability. On 24.5.2012 learned counsel was not present as he was busy before another bench. On 24.10.2013 learned counsel for the plaintiff again sought time but did not

address the Court on the question of maintainability. Today again he is absent without any intimation. Suit is dismissed for non-prosecution alongwith all pending applications.

JUDGE

SM

# ORDER SHEET

## HIGH COURT OF SINDH AT KARACHI

Suit No. 1061/2008

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| Date | order with signature of Judge |
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1. For hearing of CMA No.10499/2012 (U/s. 151 CPC)
  2. For hearing of CMA No.10263/2011 (Appln for recalling order dated 05.9.2011)
  3. For orders on Nazir's report dated 20.10.2012
  4. For orders on Nazir's report dated 14.9.2013
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26.11.2012

Mr. ZulfiqarHaider Shah, Advocate for the Plaintiff.  
Syed Osaf Ali, Advocate for Defendant No.1.  
Mr. TajumalLodhi, Advocate for Auction Purchaser.

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The order of auction was passed on 05.9.2011 and from 02.10.2011 before the said order can be executed, applications were filed for recalling of the order dated 05.9.2011. There are two CMA No.10263/2011, which was filed on 12.10.2011 and CMA No.10499/2012 filed on 02.10.2012. Since two applications for recalling of the very order of sale are pending no sale can be confirmed. Since applications are pending for recalling of the order dated 05.9.2011, let these application be placed before the same learned Single Judge, who passed the order dated 05.9.2011, after the approval of Hon'ble Chief Justice.

JUDGE

SM

Suit No. 244/2007

For hearing of CMA Nos.

- 26.11.2012

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JUDGE

SM

ORDER SHEET  
HIGH COURT OF SINDH AT KARACHI

Suit No. 1440/2006

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| Date | order with signature of Judge |
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For hearing of preliminary issues in view of Court's order dated 27.10.2011.

26.11.2012

Mr. Zulfiqar Noorani, advocate for the Plaintiff.

Ms. Naheed Naz, State counsel.

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Question of maintainability is raised on the point of resjudicata. Learned State counsel has not been able to assist the Court. The question of resjudicata is applicable in this case pending since 2006, this issue can be taken after evidence is being recorded and the documents / orders passed in some other suit of similar nature. Therefore, question of maintainability shall be taken up along with main controversy between the parties. Proposed issues have been filed by the plaintiff and Defendant No.3. Plaintiff is directed to recast the issues after examining the issues of Defendant No.3 and if possible submit consent issues on the next date of hearing.

To come up on 03.12.2013 as per roster.

JUDGE

SM