

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.762 of 1995

Date	Order with signature of Judge
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For hearing of CMA Nos.

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| 1. | 2030/2012 | (u/o VII R. 11 CPC) |
| 2. | 9070/2012 | (U/o 39 R. 1&2 CPC) |
| 3. | 7560/2009 | (U/o 39 R. 1&2 CPC) |
| 4. | 7306/2009 | (U/o 39 R. 1&2 CPC) |
| 5. | 2437/2010 | (U/o 16 Rule 1 CPC) |
| 6. | 2906/2010 | (U/o 39 R. 1&2 CPC) |
| 7. | 10256/2011 | (u/s 151 CPC) |
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04/12/2013:

Mr. Abdul Karim Khan, Advocate for Plaintiff
Mr. Sohail Abdul Raheem, Advocate for Defendant No.7 & 8
Mr. Imtiaz Ali, holding brief for Mr. Ghulam Shabbir Babar,
Advocate for Defendant No.10.
Mr. Ammar Yasir, Advocate for Defendant No.11
Mr. Khursheed Jawed, Advocate for KMC.
Ms. Naheed Naz, State Counsel.
Mr. Ahmed Pirzada, Advocate for Board of Revenue.
Mr. Ghulam Shabbir, Legal Consultant Board of Revenue.

CMA No.2437/2010: This suit is pending since 1995 and the evidence of the plaintiff was concluded on 22.02.2007 by the plaintiff. Subsequently, the evidence of the defendants was also recorded and the defendants have concluded their evidence on 02.05.2013. The plaintiff has filed this application, after four years of closing his evidence, only on the ground that the defendant No.1 has failed to lead evidence in Court.

It is an admitted legal position that if the parties who are in custody of certain documents and they failed to produce the same, the presumption will be against the said party. In this application the plaintiff has not mentioned any of the documents to identify that which document(s) from the record of the Board of Revenue he really wants to be produced in Court. A sweeping statement has

been made in the application that the custodian of all the documents may be directed to produce all the documents pertaining to Shahbaz Goth and to produce the same in the Court. Such a casual application without any justification, after closing of the side, cannot be entertained. This application is dismissed.

JUDGE

Gulsher/PA