

IN THE HIGH COURT OF SINDH AT KARACHI

SUIT NO.149 of 2007

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Date

Order with signature of Judge

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- 1) For orders on Commissioner's report
- 2) For final disposal

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06/12/2013

Mr. Mirza Sarfraz Ahmed, Advocate for Plaintiff.

Ms. Asma, Advocate for Defendant No.1

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By order dated 11.10.2013, the defendants were allowed to cross-examine the plaintiff's witnesses on the conditions of payment of Commissioner's fee. Once this order was communicated to the Commissioner through the counsel for the defendant it was expected that the defendant will come-forward and take the opportunity because their side was closed more than one year prior to the said order. The Commissioner has filed a reference dated 18.11.2013 and informed the Court that till date the Commissioner's fee has not been paid.

The counsel for the defendant, who was present on 11.10.2013, has informed the Court that she proposes to withdraw her power from this case. She is directed to comply with the requirements of Rule 50 of the Sindh Chief Court Rules, which needs that a notice be issued to the defendant mentioning the next date of the case so that he may directly come to the Court and engage another counsel and the Court will not be required to send any intimation to the defendant subject to compliance of Rule 50 of the Sindh Chief Court Rules. In the circumstances, the right of cross-examination of the plaintiff's witnesses to the defendant is

closed. The counsel for the plaintiff has closed his side. The matter will now come up for evidence of the defendant, if any. To come up on 23.12.2013. If on that date the defendant is not turned up for recording his evidence, his side will also be closed.

JUDGE

*Gulsher/PA*