

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit NO.304 of 2011

ORDER WITH THE SIGNATURE OF THE JUDGE

- 1) For orders as to non prosecution (*Notice of CMA No.5113/2013 not issued as process fee not paid nor copies supplies*)
- 2) For hearing of CMA No.2203/2011 (u/O 39 R. 1&2 CPC)
- 3) For final disposal.

12.12.2013

Mr. Nayyar Ziauddin, Zahid Kabeer, Advocate for Plaintiff
Syed Shah Hussain Tirmizi, Advocate for Defendant No.2.

1. Learned counsel for the plaintiff has no objection to the grant of application under Order XXXIX Rule 4 CPC. It is indeed a matter of great concern that learned counsel, for recalling the order of debarring them from filing written statement, has preferred application under Order XXXIX Rule 4 CPC. Despite the query from the Court that how his application under the provision referred to above, is applicable, the learned counsel for the defendant No.2 insists that this is correct provision of law. Be that as it may, the learned counsel for the plaintiff has no objection for grant of application and has also no objection to take on record the written statement filed by the defendant No.2 on 03.04.2013, which is available in the file. Therefore, the written statement filed by defendant No.2 is taken on record. The application is allowed.

2. Parties to maintain status quo till the next date.

3. Adjourned to a date in office.

JUDGE