

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 145 of 2008

Date	Order with signature of Judge
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1. For hearing of CMA No.6590/2012
(U/S 69(2) OF PARTNERSHIP ACT, 1932)
2. For hearing of CMA No.13696/2012
(APPLICATION FOR WITHDRAWAL OF AMOUNT)
3. For examination of the parties/settlement of issues.

30/10/2013:

Mr. Ashfaq Ali Gilal, Advocate for the plaintiff.

Mr. Shahab Sarki, Advocate for Def. Nos.1, 2 and 5.

Mr. Munir-ur-Rehman, Advocate for Def. Nos.3 and 4.

Learned counsel for the plaintiff has alleged that the accounts have not been submitted by the defendants as per order dated 13.4.2011, therefore, by order dated 31.1.2012 on the Nazir reports the defendants business premises was sealed and subsequently it was desealed as soon as the defendants have redressed the grievance which was being shown in the order date 31.1.2012. The defendants have submitted account till June 2012 and even the good-will amount of the premises where this business was being running has been deposited with the Nazir by the defendants to the extent of share of the plaintiff. The defendants' counsel clarifies that no further accounts have given to this Nazir of this Court on the pretext that the business has come to an end in June 2012. Learned counsel for the plaintiff insists that defendants are running the same business in the same premises but they are giving an impression that they are not running the business. Though, the plaintiff's counsel has not filed any

application to assert the same allegation with affidavit. However, at the cost of plaintiff the Nazir of this Court is directed to re-investigate about the running of the business and inspect the premises forthwith. He is also to find out that who was the owner of the business premises and today who is running the business thereat. The particular of that businessman be placed on record, if the business is running by any family member of the defendants, I am afraid that the plaintiff will have a right to take legal action on account of deceiving the plaintiff by the defendants for making a wrong statement in Court. The Nazir to conduct this exercise within a period of four weeks and submit his final report. The fee of the Nazir will be Rs.20,000/- which will be paid by the plaintiff. The Nazir is also directed to submit two reports one about the order made herein and another about the total amounts available with him under order dated 13.4.2011.

JUDGE

S.Akhtar