

ORDER SHEET

**HIGH COURT OF SINDH, AT KARACHI**

Suit No.63 of 2002

Date	Order with signature of the Judge
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- 1. For hearing of CMA No.1602/2014
- 2. For hearing of CMA No.1789/2014
- 3. For final arguments
- 4. For orders on Nazir report dated 19.02.2014

21.02.2014.

Mr. Khalid Daudpota, advocate for the plaintiff.  
Mr. Azizuddin Qureshi, advocate for defendants No.1 to 7.  
Defendant No.8 Zakir Hussain present in person.

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Defendant No.8 is present in Court, he says that one Imran, who was supposed to supervise the business of Danish Shoes is not attending the shop for the last more than 15-20 days, however, he is not able to give exact date. It is pertinent to note that as per para-E of Nazir report dated 12.7.2004 Nazir has appointed Mr. Imran to supervise the sale / business as representative of Nazir and note / account daily sale. The Defendant No.8 has also informed the Court that whenever Imran comes to shop he collect Rs.200/- but he does not provide any receipt of such payment. He sits in the shop for hardly three hours whenever he visits. In view of the statement of Defendant No.8, the Nazir was called but it is reported that Nazir was out of Court premises for official work and therefore, Deputy Nazir is in attendance.

Deputy Nazir (Accounts) Asim Jameel Zubaidi is present. He is directed to make a comprehensive report keeping in view all the previous orders and all inventories and accounts as Nazir office was directed to prepare from time to time in this case since 12.07.2004. Nazir is also directed to take accounts from Imran, who was appointed to supervise

business activities as reported in Nazir report pursuant to order dated 9.4.2004, 10.5.2004, 17.5.2004, 24.5.2004 and 12.07.2004. A comprehensive statement of Imran, giving the details of the business activities on the shop from the date of his appointment should be filed showing the accounts as he was under obligation to supervise the accounts of the shop. Nazir is also directed to submit his comments that how only 2500 shoes/boxes have been shown in the inventory as total items lying in the premises of the shop. He should also report, if required, after re-inspection of the premises, that whether the entire moveables have been mentioned in the inventory or not. He is also directed to examine the previous inventory prepared on 6.5.2005 and the present inventory of the shop and the discrepancies if any be reported with his recommendation that how to reconcile the same. The inquiry report must also point out that whether the goods have been removed from the shop after the first visit of Nazir when he was forced to lodge FIR on the resistance at the time of inspection of the shop pursuant to order dated 04.2.2014. He should make inquiry from the local shopkeepers or others if he thinks fit and find out that what activities are going on in the shop between the period from 04.02.2014 to 19.2.2014 when shop was sealed and where was the representative appointed by the Nazir on 10.6.2004 to supervise the business activities during business hours. Nazir should report that all the earlier orders whereby directions were given to the Nazir have been complied with or not. The report should positively be furnished on or before 25.02.2014. Copy of this order be sent to Nazir office today.

Adjourned to 26.02.2014.

**J U D G E**

