

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No.1091 of 2011

Date Order with signature(s) of Judge(s)

1. For hearing of CMA No.9026/2011 (U/o.39 Rule 1 & 2 CPC)
 2. For Examination of parties / settlement of issues
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19.02.2014.

Syed Haider Imam Rizvi, Advcoate for the Plaintiff.
Mr. Sohail H. K. Rana, Advocate for Defendants No.1 & 2.
Mr. Falak Sher Khan, advocate for the Defendant No.3.

1. Plaintiff has filed this suit for damages against the Defendant No.3 on the ground that after the death of brother of the Defendant No.3 her family members have attempted to defame the Doctor / Plaintiff by alleging that he was negligent. Even FIR was lodged by the Defendant No.3 against the Doctor / Plaintiff. The Plaintiff has also lodged counter FIR against the Defendant No.3. Defendant No.3 has also approached the Hon'ble Supreme Court of Pakistan through Human Right Cell as per letter dated 26.3.2011. Defendants No.1 & 2 in para-2 of their written statement have specifically mentioned that proceedings have been conducted in accordance with the Pakistan Medical & Dental Council Laws and under the directions of the Hon'ble Supreme Court. However, on 05.9.2011 the Plaintiff in this suit for damages obtained interim orders to the extent that no final order shall be passed against the Plaintiff / Doctor by the Defendant No.1 & 2 pending this suit. Since then as usual the case has not proceeded, on the last date of hearing this Court has given specific directions that this injunction shall be vacated if this case is not proceeded on the next date. The Plaintiff's grievance is

that Defendant No.1 & 2 have not given any chance of hearing to the Plaintiff and declined to grant him adjournment. Without going into the merits of his claim since order of the Hon'ble Supreme Court seems to have been impliedly suspended by a simple order of this Court dated 06.8.2011 that "in the meanwhile no final order shall be passed" pending this case and almost three years' time has lapsed. The motive of Plaintiff to delay the inquiry by PMDC stand sufficiently served. The Defendants No.1 & 2 are directed to decide inquiry within 15 days from today after hearing the Plaintiff if he chose to appear before the Inquiry Committee. No time is allowed to be extended under any circumstances. The Plaintiff from right now is at liberty to make any application and approach Inquiry Committee, if he likes. Without prejudice to the case of the parties before the Inquiry Committee he confronted under the PMDC Ordinance, 1962. It is expected that being law abiding citizens both the inquiry Committee and the Plaintiff will act in furtherance of the Pakistan Medical & Dental Council Ordinance, 1962 and Regulation thereof. This order should not prejudice Inquiry Officers in any manner whatsoever.

In view of the above, listed application stands disposed of.

2. Deferred.

JUDGE

SM