

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

SUIT NO.185/2011

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Date	Order with signature of Judge
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For examination of parties / settlement of issues.

**26.11.2014**

Mr. Rehman Aziz advocate

Mr. Mohsin Kadir Shahwani advocate

Mr. Muhammad Idrees Alvi advocate

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From the proposed issues of the parties, following issues  
are framed :-

1. Whether the suit is hopelessly time barred ?
2. Whether the plaintiff is owner of the suit property ?
3. Whether the power of attorney dated 30.12.2006 was lawfully  
executed and binding on the plaintiff ?
4. Whether the defendant No.1 obtained the signatures of the  
plaintiff on the general power of attorney dated 30.12.2006 and  
sale agreements without disclosing the contents thereof?
5. Whether the plaintiff has received the sale consideration of Rs.60  
lacs and issued a proper receipt ?
6. Whether the sale is hit by the Ordinance III of 2001?
7. What should the decree be?

These issues should have been framed in 2012 therefore no  
further time can be granted for delay in the disposal of the case on  
merits on account of frivolous and habitual request for adjournments.  
Issues have been framed in presence of the parties, they are supposed  
to file list of witnesses within 7 days and list of documents, if any,  
within 30 days from today.

The evidence shall be recorded through commissioner for recording of evidence of the parties. His fee shall be Rs.10,000/- per witness to be borne by the parties in respect of their witness. The commission will start from 1<sup>st</sup> January 2015 when the plaintiff shall first file affidavit in evidence of his witness and the commissioner is hereby directed that he will not accept any document except the documents mentioned in the list of documents if at all it is filed and in any case on account of any objection raised during the course of evidence, the commissioner will not stop recording of evidence and all the objections raised shall be recorded by him which will be decided by the Court before the final hearing after concluding the evidence. The evidence shall be concluded within 3 months and in case it is not concluded within 3 months the commissioner shall report by referring to his diary that on whose fault the commission could not have been concluded and the defaulting party will be liable to pay Rs.25,000/- cost if it is established from the diary of the commissioner that the evidence was not concluded because of their fault.

Name of the commissioner has not been mentioned in this order today because learned counsel for the plaintiff wants two days time to suggest the name of commissioner. If name is not suggested by him within two days in writing and given to my Reader, Mr. Dilawar Hussain Advocate will be treated as commissioner appointed in this matter.

JUDGE

IK/PA