

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Suit No.451/2009

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DATE                      ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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For hearing of CMA No.12037/2014 (U/o.IX Rule 9 CPC)

12.11.2014

Mr.Zaheer Minhas, advocate for the Plaintiff.  
Mr. Khalid Ismail, advocate for the Defendant No.1.  
Mr. Altaf Javed, advocate for the Defendants No2 & 3.  
Mr. Nayyar Ziauddin, advocate for applicant.

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Since 1.11.2010 Plaintiff has failed to appear in witness box, despite the fact that order was passed in his presence and now he is claiming that issues were wrongly framed. However, he was never serious in getting the issues settled according to his wisdom or rectify the same. As diary suggests he never appeared for recording of evidence before the Commissioner and he only informed the Commissioner that he has filed an application for amendment of issues. All these frivolous grounds and excuses does not entitle the Plaintiff for any indulgence. Now after four years he is only making sorry figure as he knows the consequences of his client failure to produce evidence. However, subject to payment of Rs.30,000/- all the issues proposed by the Plaintiff are adopted and he should appear before the same Commissioner within 15 days subject to payment of Rs.30,000/- to be deposited in the High Court clinic committee fund. Plaintiff is directed to conclude his evidence within 60 days from today otherwise side of the Plaintiff will be closed.

In view of above, the suit is restored and the application is allowed.

JUDGE