

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Suit No.833/2010

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DATE	ORDER WITH SIGNATURE(S) OF JUDGE(S)
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1. For hearing of CMA No.3038/2013 (U/o.VII Rue 11 CPC)
  2. For hearing of CMA No.5493/2010 (U/o.39 Rue 1 & 2 CPC)
  3. For hearing of CMA No.438/2011 (U/o.X(2) S.151 CPC)
  4. For hearing of CMA No.7435/2011 (U/s.3, 4 Contempt of Court)
  5. For hearing of CMA No.7892/2011 (U/s.1&3 195 CPC)
  6. For examination of parties / settlement of issues
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29.10.2014

None present for the Plaintiff.  
Syed Nadeem-ul-Haque, advocate for the Defendant.

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This suit has been filed by the two sisters against their brothers claiming inheritance in the property bearing No.S-3-25/A, Saudabad, Malir, Karachi, admeasuring 572 sq.yds as legal heirs of deceased Ziaullah Khan. The Defendants No.1 & 2 have filed application under Order VII Rule 11 CPC bearing CMA No.3038/2013 and notices were issued to the counsel for the Plaintiffs. However, after filing counter affidavit, the counsel for the Plaintiffs is not attending the Court. On the last date of hearing the case was adjourned by way of indulgence since counsel for the Plaintiff was absent as last chance to the counsel. The record shows that the Plaintiffs were party in SMA No.263/2002 in respect of the suit property, which was filed before the District & Session Judge Karachi (East) and it was granted. In the said SMA suit property was the only left of the deceased Ziaullah Khan, since SMA was granted and final order was passed without any objection from the Plaintiffs side after 10 years they cannot bring a suit for partition in respect of the same property.

The record further shows that Plaintiffs have filed an application for revocation of SMA No.263/2002, which application was dismissed by order dated **16.5.2009** and the said order has attained finality. The Plaintiffs ought to have filed either an appeal or revision against dismissal of the application

for revocation of letter of administration by order dated 16.5.2009, therefore, this suit is barred by law and plaint is rejected and all pending applications are dismissed as infructuous.

JUDGE

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