

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1542 of 2006

Date

Order with signature of Judge

For examination of the parties/issues

(Notice issued to plaintiff for 17.12.2012)

20.10.2014

Agha Zafar Ahmed, Advocate for defendant No.2.

This is a suit for recovery of Rs.37,69,000/- filed by the plaintiff against the defendant. Perusal of the cheques shows that the defendant No.2 has not issued these cheques in favour of the plaintiff. The case as against the defendants No.1, 3 to 6 has already been struck off by order dated 27.8.2010. Only the defendant No.2 was kind enough to file his written statement in which he has taken plea that the suit was hopelessly time barred. Since each memo of return of cheque from UBL is dated 08-01-2003, 15-01-2003, 03-02-2003 and 08.01.2003 respectively and the suit was presented on 07.08.2006. Admittedly the same was filed after more than three years. There is no question of recovery of money due and payable by any of the defendants beyond the period of three years.

The other ground taken by the defendant No.2 for rejection of plaint is that the plaintiff has no cause of action

against him. The plaintiff has not shown any cause of action against the defendant No.2.

In the above circumstances, the plaint is rejected under Order VII rule 11 CPC against the defendant No.2. The plaint already stands struck off against the defendants No.1, 3 to 6 therefore the suit stands disposed of.

JUDGE

M. Tahir