

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.1590 of 1998

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

For Evidence

02.12.2014

Mr. Anwar Ahmed, Manager of the Plaintiff present.
Mr. Ghulam Mustafa Rajper, advocate holding brief
for Mr. Muhammad Sasrullah Siddiqui, advocate for the Defendants.

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Witness of the Plaintiff is present whose affidavit-in-evidence was filed on 25.5.2006 and copy has already been supplied to other side. Learned counsel for the Plaintiff is directed to obtain certified true copy of the affidavit-in-evidence from the Court file and appear before the commissioner for recording of cross-examination by counsel for Defendant. This case is pending since 1998, therefore, no indulgence can be granted on account of sickness or illness of the counsel or anybody else. The Plaintiff was directed to produce original documents on 31.10.2007 and since then nobody has appeared in this case on several dates and ultimately on the last date order was passed that suit would be dismissed for want of evidence. Witness of Plaintiff Aamir Ali present and Anwar Ahmed, Manager of the company is also present. However, Anwar Ahmed says that he has no authorization for appearance in this case. Be that as it may, he is responsible officer and I am not passing any order as to his authorization nor I intend to pass any material order after hearing him.

Witness Amir present in Court and he is directed to appear with all original documents required to be produced in this case before the Commissioner for recording of evidence on **11.12.2014** at **4:30** p.m. before **Mr. Riazat Ali Seher, advocate** having office at 201, Al-Fatima Chamber, Near Passport Office, Saddar, Karachi **Cell: 0321-3457008**, and with advance fee of Rs.20,000/- for recording of evidence of each witness.

Manager and witness state that they will only examine one witness, his cross-examination shall be completed on **11.12.2014**. In case of absence of the Defendant or his counsel to cross-examine, the cost / fee of commissioner shall be borne by the Defendant and case will be adjourned only for one date to **18.12.2014** on which date if cross-examination is not concluded or conducted by the counsel for the Defendant, side of the Defendant will be closed for cross-examination of the Plaintiff and the commissioner shall fix the case for evidence of the Defendant. Defendant will also bear cost of the witness whoever witness Defendant may produce. Evidence is to be recoded on weekly basis on every Thursday and the Defendant will file affidavit-in-evidence of his witnesses on 24.12.2014. Evidence shall be completed on or before **29.1.2015** as scheduled herein and commissioner should return commission under whatever circumstances on or before 29.1.2015.

JUDGE