

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Suit No.435 of 2013

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DATE                      ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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- 1) For orders on Nazir's report dated 02.05.2013
  - 2) For hearing of CMA No.4004/2013
  - 3) For hearing of CMA No.4006/2013
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**27.01.2015**

Mr. Yawar Farooqui, Advocate for Plaintiff  
Mr. H. A. Rahmani, Advocate for Defendant No.11  
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Unfortunate situation in this case is that the attorney, who filed this suit on behalf of Atique Muhammad Khan, claims to be attorney by virtue of power of attorney dated 02.09.2009, which is registered. However, the defendants with their counter affidavit have filed death certificate (Annexure D/1), showing that Atique Muhammad Khan had died on 29.01.1999, therefore, the objection has been raised that a suit cannot be filed through attorney and even if the power of attorney is genuine it stands expired with the principal. In the circumstances, the suit is dismissed without prejudice to the legal heirs of the deceased or anybody else, who are affected by the order of dismissal of this suit. All pending applications stand dismissed having become infructuous.

JUDGE

*Gulsber/PA*