

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT

Mr. Justice Jamal Khan Mandokhail

Mr. Justice Syed Hasan Azhar Rizvi

Civil Petition No. 316-K of 2021

(On appeal from the judgment of the High Court of Sindh Karachi dated 04.01.2021 passed in H.C.A. No. 35 of 2014)

The Province of Sind through its Secretary (Colleges)

Petitioner(s)

Versus

The Islamic Education Trust through its General Secretary

Respondent(s)

For the Petitioner(s) : Mr. Sibten Mehmood, Addl. AG

For the Respondent(s) : In person

Date of Hearing : 23.12.2022

ORDER

Jamal Khan Mandokhail, J.- Facts in brief are fact that the suit was filed by the respondent against the City District Government, Karachi (CDGK). During the pendency of the suit, the law governing the CDGK was repealed. Consequently, the administration of the educational institutions including the institution in question reverted back to the Government of Sindh. In this background, the plaintiff (respondent herein) requested the trial court for impleadment of the Provincial Government in place of the CDGK. The request of the plaintiffs was allowed and the petitioner was made a defendant. On 26th June, 2012, the learned Additional Advocate General ('AAG') appearing on behalf of the Provincial Government, sought time to seek instructions from the petitioner

either to adopt the written statement already filed by the CDGK or

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otherwise. It seems that the petitioner opted to file amended written statement on behalf of the Government and it did so.

2. The respondent raised objection upon the written statement filed by the petitioner, alleging therein that the Government has since succeeded the CDGk, therefore, it was bound to rely upon the written statement, already submitted by the CDGK. He states that the petitioner was permitted to amend the written statement only to the extent of the amendment made in the plaint, but the amended written statement, filed by the petitioner is altogether different from the one already submitted. The learned counsel for the petitioner opposed the contention and states that the Government is not bound to rely upon the written statement filed by the CDGk and, therefore, the trial court given an option to the petitioner in this behalf.

3. After arguing the matter at considerable length, the learned counsel for the parties agreed for disposal of the petition in the following terms:

- (a) The respondent will have no objection upon filing of the written statement on behalf of the petitioner and the same be made part of the record.
- (b) The respondent will be entitled to contest the written statement by filing reply, if so desired.
- (c) In the light of the pleadings of the parties, the trial court if considers necessary, may frame additional issue(s). The learned counsels for the parties may also propose the same.
- (d) The respondent has though closed its evidence, however, if so desired, it may produce additional documentary and oral evidence.

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4. The learned counsel for the parties assured that they will cooperate with and assist the trial court for early disposal of the case, therefore, they suggest that the trial court be directed to conclude the trial at the earliest and to decide the case within a period of six months.

Thus, with the consent of the parties, the impugned judgment is modified to the extent noted above. The trial court should proceed with the matter expeditiously and to decide the case, possibly, within a period of six months, after receiving a copy of this order. No unnecessary adjournments shall be granted to the parties.

The petition is disposed of accordingly.



Sd/-Jamal Khan Mandokhail, J
Sd/-Syed Hasan Azhar Rizvi, J

Karachi
23rd December, 2022
K.Anees

A handwritten signature in black ink, appearing to be "K. Anees", written over a horizontal line.

CERTIFIED TO BE TRUE COPY

Judicial Assistant
Supreme Court of Pakistan
Karachi
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