

**IN THE HIGH COURT OF SINDH AT KARACHI**  
**(APPELLATE JURISDICTION)**

**High Court Appeal No.83 of 2014**

*( Province of Sindh & Others v. Muhammad Faisal Ahmed & Others )*

**High Court Appeal No.84 of 2014**

*( Province of Sindh & Others v. Metro Estates (Pvt) Ltd & Others )*

**High Court Appeal No.85 of 2014**

*( Province of Sindh & Others v. Artistic Denim Mills Limited & Others )*

**Before:**

Muhammad Faisal Kamal Alam J &  
Sana Akram Minhas J

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<b>Appellants:</b>	Mr. Sandeep Malani, Barrister Assistant Advocate General, Sindh
<b>Private Respondents:</b>	Mr. Muhammad Shahzad Ashraf, Advocate
<b><u>Date(s) of Hearing:</u></b>	<b>27-1-2026 &amp; 29-1-2026</b>
<b><u>Date of Decision:</u></b>	<b>9-3-2026</b>

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**J U D G M E N T**

1. **Sana Akram Minhas, J:** All three Appeals arise out of the Judgments and Decrees dated 17.1.2014 (“**Impugned Judgments**”) passed by the learned Single Judge in Suits No.1004, 1005 and 1006 of 2007 (“**Underlying Suits**”) – each instituted separately by private Respondents (who were Plaintiffs in the respective Underlying Suit) – whereby the learned Single Judge allowed the private Respondents’ respective applications under Order 12 Rule 6 CPC (“**Underlying Admission Applications**”).
2. The Underlying Admission Applications were premised on purported admissions – contained in an alleged letter dated 5.8.2013<sup>1</sup> (“**Alleged Admission Letter**”) – of the parties who had been **debarred** from filing Written Statements in the Underlying Suits, and the Impugned Judgments were passed against them (viz. Appellant No.1 and Respondents No.3, 4 and

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<sup>1</sup> HCA No.83/2014 – See Annex B of Underlying Admission Applications (at File Pg. 239)

5, who were arrayed as Defendants No.1, 2, 6 and 7 in the Underlying Suits). In contrast, the parties who had been vigorously **contesting** the Underlying Suits, had filed Written Statements<sup>2</sup>, and had opposed the Underlying Admission Applications through their Counter-Affidavit<sup>3</sup> (viz. Appellants No.2 and 3 and Respondent No.4, arrayed as Defendants No.3, 4 and 5 in the Underlying Suits), were dropped as parties from the Underlying Suits (by the private Respondents herein, who were Plaintiffs below) at the eleventh hour, at the time of passing the Impugned Judgments, and the Underlying Suits against them were dismissed as withdrawn, leaving them at liberty to institute independent legal proceedings.

3. The Impugned Judgments, inter alia, declared each private Respondent to be the lawful owner of its respective Suit Property situated in Deh Pihai, Korangi Township, Taluka and District Karachi, collectively measuring 69 acres 11 ghuntas (**“Suit Properties”**)<sup>4</sup>, and directed that the same be mutated in their favour respectively.

#### **Convenient Designation Of Parties For This Judgment**

4. For the sake of convenience and clarity, the parties to these Appeals shall hereinafter be referred to as follows:
  - i) The private Respondents (who instituted the respective Underlying Suits) shall be referred to as the **“Plaintiffs”**;
  - ii) The official Appellants No.2 and 3 (arrayed as Defendants No.3 and 4 in the Underlying Suits, who filed Written Statements and Counter-Affidavit to the Underlying Admission Applications therein) shall be referred to as the **“Contesting Defendants”**;
  - iii) The Appellant No.1 and Respondents No.3, 4 and 5 (arrayed as Defendants No.1, 2, 6 and 7 in the Underlying Suits, who were debarred from filing Written Statements therein) shall be referred to as the **“Non-Contesting Defendants”**.

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<sup>2</sup> HCA No.83/2014 – See Annex A-4 of main Appeal (at File Pg. 187)

<sup>3</sup> The Counter-Affidavit was filed on 17.12.2013, as noted in Single Judge’s order of the same date in Underlying Suit No.1004/2007, and is available in the Suit file

<sup>4</sup> The Suit Properties collectively measure 69 acres and 11 ghuntas, the break-up whereof is as follows: In HCA 83/2014 (arising out of Suit No.1006/2007), the Plaintiffs have claimed 10 acres and 2 ghuntas; in HCA 84/2014 (arising out of Suit No.1004/2007), the Plaintiff has claimed 35 acres and 36 ghuntas; and in HCA 85/2014 (arising out of Suit No.1005/2007), the Plaintiff has claimed 13 acres and 32 ghuntas as well as 9 acres and 21 ghuntas

### **Main Controversy In The Underlying Suits**

5. The dispute between the parties concerns their rival claims over the Suit Properties, which were claimed both by the Plaintiffs and by the Contesting Defendants in the Underlying Suits. According to the Contesting Defendants, the Suit Properties had been unauthorisedly carved out of, and/or fall within, land/property belonging to the Livestock and Fisheries Department, Government of Sindh, forming part of a larger tract owned by them measuring approximately 600 acres ("**Contesting Defendants' Land**"), situated in Naiclass No.376, Deh Pihai, Korangi Township, Taluka and District Karachi, which has been used by them as a "*Livestock Experiment Station, Korangi, Karachi*" – and had been established as such since pre-partition days (then known as "*Wellington Cattle Farm*").
6. The central issue in dispute between the parties concerns the altering and renumbering of the relevant Naiclass Numbers. While the Contesting Defendants' Land falls within Naiclass No.376, the Suit Properties originally fell and/or were situated in Naiclass No.82. This renumbering was carried out in circumstances disputed by the parties: according to the Contesting Defendants – a position denied by the Plaintiffs – upon discovering that portions of the Suit Properties in Naiclass No.82 were not available and/or were under occupation of other persons, the revenue officials, at the Plaintiffs' behest, manoeuvred to have the Naiclass number of the Suit Properties altered/renumbered as Naiclass No.82(376) – thereby combining two distinct and separate Naiclass numbers (viz. Naiclass No.82 and Naiclass No.376) into one and resulting in a composite reference to both Naiclass numbers (viz. Naiclass No.82(376)). The legality and effect of this alteration constitute the core controversy between the parties.
7. Since the Plaintiffs' Naiclass No.82 was now written as Naiclass No.82(376), as a result, although on paper the Plaintiffs assert that the Suit Properties are situated in Naiclass No.82, they simultaneously lay claim to land situated in Naiclass No.376, which latter Naiclass number comprises, almost in its entirety, the Contesting Defendants' Land.

### **Respective Submissions**

8. As per the learned AAG appearing for the Appellants, i.e. the Contesting Defendants:
  - i) Since the early 1990s, the Contesting Defendants have been consistently resisting false claims and litigations asserting rights over

their land, and the Underlying Suits instituted by the present Plaintiffs were not the first of this nature.

- ii) When Naiclass No.376 (encompassing the Contesting Defendants' Land) was allegedly altered/tampered to create/carve out Naiclass No.82, deceptively recorded as Naiclass No.82(376), the Contesting Defendants filed Civil Suit No.1108/1993 to challenge the illegal allotment of 80 acres (which includes the area of Suit Properties) by the Land Utilization Department, which had been taken from their land. The said Civil Suit was dismissed as withdrawn on 27.2.1994, in view of the administrative relief granted to the Contesting Defendants by the then Chief Minister Sindh.
- iii) Specifically with regard to the Underlying Suits, the Contesting Defendants had consistently opposed the Underlying Suits through their Written Statements as well as Counter-Affidavit to the Underlying Admission Applications. Consolidated issues had been framed and the matter had been set down for recording of evidence vide order dated 31.5.2010.
- iv) Considering their consistent opposition, the Single Judge erred in decreeing the Underlying Suits solely on the Non-Contesting Defendants' alleged admissions, without regard to the Contesting Defendants' legal rights and interests. To bolster his submissions, Counsel cited the Division Bench judgment of this Court in **Pakistan Refinery Limited**<sup>5</sup>.
- v) Without prejudice to the foregoing, even the document on which this purported admission was based is a letter dated as far back as 5.8.2013 (i.e. Alleged Admission Letter), which was, however, suddenly discovered and annexed by the Plaintiffs to their Underlying Admission Applications. The authenticity of this Alleged Admission Letter was, in any case, highly questionable, as reflected in the correspondences dated 10.12.2013 and 3.1.2014 of Secretary to Government of Sindh, which expressed reservations about it (annexed to the AAG's Statement dated 29.1.2026, taken on record vide this Court's order of the same date).
- vi) Moreover, as regards the Alleged Admission Letter itself:
  - (a) Paragraph 3 thereof is self-contradictory, as it refers to a summary approved by the then Chief Minister Sindh regarding

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<sup>5</sup> 1988 MLD 1927 (*Pakistan Refinery Limited v. Government of Sindh*)

cancellation and restoration of the land, while in the same breath claiming that no order was passed thereon;

- (b) The author of the Alleged Admission Letter – who was then the Chairman of the Sindh Government Lands Committee – had no authority to adjudicate or determine the disputed title between the parties; his official mandate was limited solely to determining price differentials.

9. In contrast, learned Counsel for Plaintiffs argued that:
  - i) Since the Impugned Judgment records that the Underlying Suits were not pressed against the Contesting Defendants and were, in fact, dismissed as withdrawn against them, consequently, no adverse judgment/order had been passed against the Contesting Defendants, who were therefore not bound or affected by the Impugned Judgment.
  - ii) Rather, the Impugned Judgment expressly allowed the Contesting Defendants to seek recourse before the relevant court.
  - iii) It is unfathomable why the Contesting Defendants had not instituted fresh legal proceedings, viz. suits for the cancellation of the registered conveyance deeds executed in favour of the Plaintiffs, which, if decreed in favour of the Contesting Defendants, would conclusively extinguish the Plaintiffs claimed title over the Contesting Defendants' Land, as such a decree would be binding on the Plaintiffs.

#### **Governing Jurisprudence On Order 12 Rule 6 CPC**

10. The text of Order 12 Rule 6 CPC is reproduced as under:

*“ 6. Any party may, at any stage of a suit, where admissions of fact have been made, either on the pleadings, or otherwise, apply to the Court for such judgment or order as upon such admissions he may be entitled to, without waiting for the determination of any other question between the parties: and the Court may upon such application make such order, or give such judgment as the Court may think just.”*

11. This extensively interpreted provision, has been the subject of numerous pronouncements by the Supreme Court of Pakistan and this Court. It has, inter alia, consistently been recognized over time that:

- i) This stipulation pertains to admissions of fact<sup>6</sup>.

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<sup>6</sup> 2012 CLD 276 (*Khalil (Pvt.) Limited v. MV. Wales II*); PLD 2019 Sindh 533 (*Selat Marine Services v. M.T. Bofors*)

- ii) The admission need not be confined to formal pleadings, but may arise from any material on record<sup>7</sup>, provided it is unequivocal, clear, unconditional and unambiguous<sup>8</sup>.
- iii) The asserted admission must be read as a whole; a party cannot be permitted to rely upon an isolated portion while disregarding the remainder<sup>9</sup>.
- iv) A judgment upon admission is a matter within the discretion of the court, to be exercised judicially and not as a matter of right<sup>10</sup>.
- v) While the provision aims to curtail protracted litigation, the court is nonetheless required to judicially examine the essential elements of the purported admission to ensure the *lis* can be resolved conclusively on that basis<sup>11</sup>.
- vi) Where a case raises questions that cannot be conveniently disposed of under Order 12 Rule 6 CPC, the court should exercise its discretion to decline such a motion<sup>12</sup>.
- vii) A court is competent to entertain and decide an application under Order 12 Rule 6 CPC at any stage of the proceedings<sup>13</sup>.

### **Primary Question For Determination In All The Appeals**

12. The central question that arises is whether the Underlying Suits could lawfully be decreed solely on the basis of purported admissions by the Non-Contesting Defendants (who had been debarred from filing Written Statements), while excluding the Contesting Defendants (who had filed Written Statements as well as Counter-Affidavit to the Underlying Admission Applications and had

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<sup>7</sup> 1996 SCMR 696 (*Macdonald Layton & Company v. Uzin Export-Import Foreign Trade Co.*); PLD 2015 Sindh 472 (*Waqar Haider Zaidi v. Alam Ara Begum*); PLD 2018 Sindh 274 (*Hussain Developers v. 1<sup>st</sup> Senior Civil Judge*); PLD 2019 Sindh 533 (*Selat Marine Services v. M.T. Bofors*)

<sup>8</sup> 1996 SCMR 696 (*Macdonald Layton & Company v. Uzin Export-Import Foreign Trade Co.*); PLD 2003 Kar 253 (*Gerry's International v. Qatar Airways*); 2009 MLD 397 (*Shadab Developers v. Abdullah*); 2023 SCMR 354 (*Divisional Superintendent Postal Services v. Khalid Mahmood*)

<sup>9</sup> 2020 SCMR 171 (*Kuwait National Real Estate v. Educational Excellence Ltd*)

<sup>10</sup> 1993 MLD 1287 (*Izzat Khan v. Ramzan Khan*); 1996 SCMR 696 (*Macdonald Layton & Company v. Uzin Export-Import Foreign Trade Co.*); 2007 SCMR 1684 (*Bashir Ahmed Khan v. Shamas-ud-Din*)

<sup>11</sup> 2012 MLD 188 (*Ghazala Rehman v. Najma Sultana*); 2023 SCMR 354 (*Divisional Superintendent Postal Services v. Khalid Mahmood*)

<sup>12</sup> 1993 MLD 1287 (*Izzat Khan v. Ramzan Khan*); 1996 SCMR 696 (*Macdonald Layton & Company v. Uzin Export-Import Foreign Trade Co.*); PLD 2018 Sindh 274 (*Hussain Developers v. 1<sup>st</sup> Senior Civil Judge*)

<sup>13</sup> 2007 SCMR 433 (*G.R. Syed v. Muhammad Afzal*); 2008 CLC 645 (*City District Government Karachi v. Faqir Muhammad*)

previously filed Civil Suit No.1108/1993 on the same issue), and permitting the withdrawal of the Underlying Suits against them on the very day the Impugned Judgments were delivered, thereby leaving longstanding disputed questions unresolved and unadjudicated.

### **Opinion Of The Court**

13. We have considered the submissions of the parties and examined the record.

#### **History Of Prolonged Dispute Since The 1990s & Futility Of Relegating Contesting Defendants To Fresh Proceedings**

14. The Contesting Defendants have been putting up long-standing and consistent opposition to claims over the Contesting Defendants' Land. Commencing from 1993, in the shape of Civil Suit No.1108/1993<sup>14</sup> (*Province of Sindh, through Officer Incharge, Livestock Experiment Station v. Ghulam Abbas Soomro, then Secretary, Land Utilization Board of Revenue*), the Contesting Defendants have been steadfast in their defence of their land. The said Civil Suit was dismissed as withdrawn on 27.2.1994, following the filing of a Statement dated 29.1.1994<sup>15</sup>, wherein it was asserted that the then Chief Minister vide letter dated 16.1.1994 granted the administrative relief sought by the Contesting Defendants.
15. When the Underlying Suits were instituted by the Plaintiffs in 2007, it was the Contesting Defendants who actively contested them and filed Written Statements. By order dated 31.5.2010<sup>16</sup>, consolidated issues had been framed in the Underlying Suits and the Commissioner for Recording Evidence had been appointed.
16. The very fact that the Impugned Judgment has expressly left the Contesting Defendants at liberty to approach the competent court for appropriate relief reflects a clear recognition that the issues raised between the parties remain unresolved, and that the Impugned Judgment has been rendered without adjudicating upon the disputed questions involved. A Division Bench of this Court in **Ghazala Rehman** and the Supreme Court in **Divisional Superintendent Postal Services**<sup>17</sup> (supra) have ruled that a court must carefully examine the nature and scope of the admission to ensure that it is

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<sup>14</sup> HCA No.83/2014 – See Annex X-2 of Appellant's Rejoinder to CMA 853/2014

<sup>15</sup> HCA No.83/2014 – See Annex X-4 of Appellant's Rejoinder to CMA 853/2014

<sup>16</sup> HCA No.83/2014 – See Annex A-5 of main Appeal (at File Pg. 217)

<sup>17</sup> See Footnote 11 above

definite and adequate to finally resolve the dispute in the particular facts and circumstances of the case. In like manner, the judgments in *Izzat Khan*, *Macdonald Layton* and *Hussain Developers*<sup>18</sup> (supra) hold that where issues cannot be conveniently or properly resolved under Order 12 Rule 6 CPC, the court should, in the exercise of its discretion, refuse to grant relief on that basis.

17. The decision in *Pakistan Refinery Limited*<sup>19</sup> (supra), relied upon by the learned AAG, also squarely applies to the present case, as it involves facts similar to those in the instant case. In that matter, a Division Bench of this Court held that a decree against only some defendants would be ineffective where substantive disputes with other contesting defendants remained unresolved. Observing that issues between the appellants and the private respondents required adjudication, the Court upheld the learned Single Judge's refusal to pass a decree on admission and dismissed the appeal in limine.
18. Furthermore, even if the Contesting Defendants were to avail themselves of such avenue and approach the competent court, the exercise would, in practical terms, be largely futile. Assuming they were to succeed in fresh proceedings and obtained decrees in their favour, they would nonetheless remain confronted with the Impugned Judgment(s) and Decree(s), which would continue to subsist and operate unless set aside in appropriate proceedings.
19. Any future decree in favour of the Contesting Defendants passed by a learned District Court would not operate to nullify or override the judgment of a learned Single Judge of the High Court, nor the appellate order of the Division Bench affirming the Impugned Judgment (in the event the present Appeal(s) were to be dismissed). Accordingly, any such course would merely impose an additional legal and procedural burden upon the Contesting Defendants, without effectively displacing or undoing the operation and consequences of the Impugned Judgment.

*Likely Complications Arising From Third-Party Rights & Multiplicity of Proceedings*

20. Moreover, since, admittedly, the Plaintiffs intend to utilise the Suit Properties for the construction of residential and commercial units for sale to the general public, this would give rise to third-party rights, further complicating the matter

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<sup>18</sup> See Footnote 12 above

<sup>19</sup> See Footnote 5 above

and increasing the multiplicity of proceedings. Consequently, any favourable future decision in favour of the Contesting Defendants would be practically ineffective, difficult to implement, and fraught with procedural and legal complications, as it would have to contend not only with the Impugned Judgment and Decree but also with the rights acquired by third parties in the meantime.

*Contradictory Conduct Of Plaintiffs In Underlying Suit*

21. It bears noting that the Plaintiffs had themselves arrayed the Contesting Defendants as parties in the Underlying Suits. Consequent upon the framing of consolidated issues, the Underlying Suits were posted for recording of evidence by order dated 31.5.2010 – which shows that the Underlying Suits were at an advanced stage. The Plaintiffs then suddenly filed the Underlying Admission Applications, seeking to have the Underlying Suits decreed solely on the basis of the Alleged Admission Letter, while simultaneously deciding not to press the Suits against the Contesting Defendants at the last moment. Such conduct demonstrates a contradictory and self-serving stance on the part of the Plaintiffs.
22. If the Contesting Defendants were originally arrayed as parties to the Underlying Suits, they were necessarily regarded as necessary parties. If, however, the Plaintiffs subsequently considered only the Non-Contesting Defendants to be central to the dispute, the proper course would have been to withdraw the Underlying Suits in their entirety rather than selectively abandoning them against the Contesting Defendants – particularly when the Non-Contesting Defendants had offered no opposition to the Plaintiffs' claim, had been debarred from filing Written Statements without challenge, and had issued the Alleged Admission Letter relied upon by the Plaintiffs.
23. In the absence of any substantive contest, there was no necessity to obtain a judicial sanction from the High Court in the form of the Impugned Judgment and Decree. The Plaintiffs' decision – what they may have considered a tactical or strategic manoeuvre – not to press the Underlying Suits against the Contesting Defendants on the very day of the Impugned Judgment effectively ensured the grant of relief without opposition. Such selective prosecution of the Underlying Suits reflects a deliberate circumvention of the Contesting Defendants' participation and an attempt to secure judicial endorsement through procedural stratagem rather than adjudication on the merits, thereby undermining the principles of natural justice and due process, and amounting to an abuse of the process of the Court.

*Alleged Admission Letter Dated 5.8.2013*

24. Firstly, the legitimacy and accuracy of the Alleged Admission Letter have been specifically questioned by the Contesting Defendants – as evident from their letters dated 10.12.2013 and 3.1.2014 (written by Zafar Iqbal, Secretary to Government of Sindh, Livestock and Fisheries Department), which raised concerns regarding it (annexed to the AAG's Statement dated 29.1.2026). The Alleged Admission Letter is neither admitted nor acknowledged by them and, therefore, cannot be relied upon without strict proof in accordance with law.
25. Secondly, paragraph 3 of the Alleged Admission Letter appears to be self-contradictory: on the one hand, it states that a copy of the summary approved by the then Chief Minister Sindh was forwarded regarding cancellation of the allotment of land and its restoration in favour of the Livestock Department; on the other hand, it simultaneously asserts that no order was made on the said summary.
26. Thirdly, the Alleged Admission Letter purportedly seeks to override a Summary for Chief Minister Sindh dated 18.10.2004 (forwarded by Livestock and Fisheries Department through Sikandar Ali Keeriyo, Secretary to Government of Sindh – annexed with the AAG's Statement of 29.1.2026), which has been approved and signed by the then Chief Minister. No subsequent, modified, or fresh summary of the Chief Minister has been produced on record to demonstrate that the earlier approved Summary has been superseded, withdrawn, or otherwise ceased to hold the field. In the absence of any such subsequent executive approval, the duly sanctioned Summary continues to remain operative and binding, and cannot be displaced by the Alleged Admission Letter, as rightly contended by the AAG.
27. Fourthly, the Alleged Admission Letter has admittedly emanated from the custody of the Non-Contesting Defendants and not from that of the Contesting Defendants. Its origin, therefore, raises serious questions as to its evidentiary value, particularly when the very parties against whom it is sought to be used neither authored nor produced it.
28. Fifthly, even a plain reading of the contents of the Alleged Admission Letter demonstrates that it cannot, by any stretch of interpretation, be construed as an unequivocal, clear and unambiguous admission, as required by settled principles governing admissions, thereby rendering it wholly unreliable as a basis for summary disposal of the Underlying Suits.
29. Lastly, and without prejudice to the foregoing, assuming, without admitting, that the Alleged Admission Letter is both authentic and unambiguous, an

admission, if any, by the Non-Contesting Defendants – who themselves lay no claim to ownership of the Suit Properties – cannot, in law, bind the Contesting Defendants, who assert independent ownership and/or entitlement thereto. An admission is binding only upon the party making it and cannot prejudice the rights of another party whose substantive claims remain contested and unresolved.

*Decree Founded On A Disputed Admission Attributed To Appellant No.1*

30. Lastly, it is important to highlight that one of the Appellants challenging the Impugned Judgment is Appellant No.1 (viz. the Province of Sindh through the Chief Secretary), who was Defendant No.1 in the Underlying Suits and against whom the Underlying Suits were decreed vide the Impugned Judgment upon allowing the Underlying Admission Applications on the basis of the Alleged Admission Letter. This fact, in itself, demonstrates that the Impugned Judgment cannot be treated as an uncontested or consensual adjudication, and that the very party against whom relief has been granted now disputes the validity and propriety of the proceedings culminating in the Impugned Judgment. In other words, this circumstance by itself establishes that the Impugned Judgment rests on a fundamentally disputed foundation and warrants closer judicial scrutiny.

**Conclusion**

31. In view of the foregoing, and having regard to the long-standing and consistent opposition raised by the Contesting Defendants, the learned Single Judge committed an improper exercise of discretion in decreeing the Underlying Suits solely on the basis of admissions made by the Non-Contesting Defendants, while disregarding the rights, objections, and asserted entitlements of the Contesting Defendants in the Suit Properties. The claims of the Plaintiffs (private Respondents herein) had been contradicted on multiple legal and factual grounds by the Contesting Defendants (Appellants herein), which could only have been adjudicated on the basis of evidence<sup>20</sup>, and not on the basis of a purported admission, especially one made by the Non-Contesting Defendants. Moreover, a decree against only some of the defendants – viz., the Non-Contesting Defendants, out of which one of whom is Appellant No.1 in this Appeal – would be ineffective, as substantive disputes with the remaining Contesting Defendants would remain unresolved.

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<sup>20</sup> 2003 SCMR 1261 (*Amir Bibi v. Muhammad Khurshid*)

32. Accordingly, the present Appeals are **allowed** and the Impugned Judgments and Decrees all dated 17.1.2014 are **set aside**, with no order as to costs. The Underlying Suits are restored to the stage at which they stood prior to the passing of the Impugned Judgments and Decrees.
33. In view of the recent Provincial Legislation (viz. the *Sindh Civil Courts (Amendment) Act, 2025* [Sindh Act No.VI of 2025] passed in February 2025) – which transfers original jurisdiction suits pending in the High Court to the District Courts – the Underlying Suits of the Plaintiffs’ (private Respondents herein) viz. Suits No.1004, 1005 and 1006 of 2007, shall stand revived before the concerned Trial Court, which shall decide the matters within five (5) months from today. Since the consolidated issues were previously framed by a Single Judge of this Court by order dated 31.5.2010, when the Underlying Suits were pending in the High Court, once the evidence commences, no adjournment shall be granted except in exceptional circumstances. If, on the day of evidence, a witness is absent, the side of the party calling the witness shall be closed; and if the witness is present and has been examined-in-chief, but the opposing side declines to cross-examine, the deposition shall be recorded as “Nil”.

**JUDGE**

**JUDGE**