ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI High Court Appeal No.96 of 2019

Order with Signature of Judge(s)

Disposed off case:

- 1. For hearing of CMA No.609/19 (U/S 114 CPC)
- 2. For hearing of CMA No.750/19 (U/S 12(2)
- 3. For hearing of CMA No.751/19 (U/S 151 CPC) (C/A and explanation filed by App. at flags A&B.)

22.04.2019.

Mr. Barner Newton Barni, Advocate for the appellant.

Mr. Muhammad Imtiaz Khan, Advocate for the respondent.

The matter was heard at length on 09.04.2019 when it was averred by the learned counsel for the respondent that the learned counsel for the appellant has concealed the fact that HCA No.448 of 2018 had already been dismissed by this Court on 21.01.2019. Learned counsel for the appellant duly admitted that due to oversight he could not inform the Court with regard to dismissal of HCA No.448 of 2018, however, he has left himself at the mercy of the Court and has tendered his unconditional apology for the same. He is directed to remain cautious in future and at present no disciplinary action is being taken against him.

We have heard both the learned counsel at some length and have also perused the record.

It is an undeniable position that the application under Section

114 CPC is pending before the learned Single Judge. Both the
learned counsel are directed to duly inform the learned Single

Judge that against the order dated 22.10.2018 an appeal was preferred bearing HCA No.448 of 2018, which has already been dismissed by this Court in limine vide order dated 22.01.2019. Both the learned counsel are also directed to place a copy of the order passed by this today before the learned Single Judge in order to enable him to pass any appropriate order, he deems fit and necessary, in accordance with law on the application under Section 114 CPC filed by the appellant duly coming to know about the fact that in respect of the order dated 22.10.2018 an appeal was preferred by the appellant which was dismissed in HCA No.448 of 2018 on 22.01.2019 and hence apparently the order dated 22.10.2018 has been merged in the order of the HCA No.448 of 2018 decided on 22.01.2019 and thereafter the learned Single Judge would pass any order as he deems fit and necessary in accordance law. With these observations all three applications stand disposed of.

Judge

Judge