

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
SUIT NO.B-25/2001  
a/w  
SUIT NO.B-51/2001

Date	Order with signature of Judge
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SUIT NO.B-25/2001

1. FOR HEARING OF CMA.5243/2019
2. FOR HEARING OF CMA.3679/2017

SUIT NO.B-51/2001

FOR HEARING OF CMA.5385/2019

08.04.2019

Mr. Asim Mansoor Khan advocate for plaintiff  
Mr. Ali Mehdi advocate for defendant Faysal Bank Limited  
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Through the listed applications (CMA No.5243/2019 in Suit No.B-25/2001 and CMA No.5385/2019 in Suit No.B-51/2001) learned counsel for the Bank seeks fresh appointment of Commissioner to complete the evidence of its witness namely Ahmed Kamran, who has been partially examined in Suit No.B-25/2001 and his further examination in the said case has been stopped on account of his migration to Australia. Learned counsel further submits that since the said witness is at present in Karachi for a short period, therefore, the Bank intends to complete evidence of said witness, within a shortest possible time of three weeks and as such some new Commissioner may be appointed as the earlier Commissioner has shown his inability to proceed further with this matter.

In the circumstances and by consent of the learned counsel for the parties, Mr. Naved Ahmed Khan advocate is appointed as new Commissioner to complete evidence of witness Ahmed Kamran from the stage where earlier Commissioner left the examination of said witness in

Suit No.25/2001, and to record evidence of said witness in Suit No.51/2001. The learned Commissioner will record evidence of said witness in Suit No.B-51/2001 first and thereafter he will complete the remaining evidence of the said witness in Suit No.B-25/2001. The exercise of completing evidence of the said witness in two connected suits will be completed within a period of three weeks` time. The parties have also agreed that in case the evidence could not be concluded within the stipulated time, same will be done through Video Conferencing and in this regard expenses will be borne by the Bank. Office is directed to collect evidence file from the previous Commissioner and communicate this order alongwith evidence file to the newly appointed Commissioner. By consent both parties are directed to appear before learned Commissioner on 13.04.2019 at 10.00 a.m. in the Consultation Room for preliminaries/recording the evidence.

Keeping in view of the urgency in the matter the fee of newly appointed Commissioner is fixed at Rs.50,000/= in each case to be borne by the Bank only in respect of examination of Bank`s witness namely Ahmed Kamran, whereas, for the evidence of defendants in Suit No.51/2001 the fee will be borne by the defendants at the rate of Rs.25,000/= per witness

The listed applications (CMA No.5243/2019 in Suit No.B-25/2001 and CMA No.5385/2019 in Suit No.B-51/2001) are disposed of in above terms.

JUDGE