

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**Suit No. 983 of 2014**

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Order with signature of Judge(s)

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- For hearing of CMA No.1916/2015

**16.08.2018**

Ms. Saba Siddiqui, Advocate for Defendant No.2  
Defendant No.3 is present in person

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None present for the plaintiffs. A brief was held on the last date of hearing being 21.05.2018. This Court after having observed that none was present for the plaintiffs on 07.05.2018 adjourned the matter however with observation that in case the plaintiffs or their counsel fails to appear, the suit shall be dismissed for non-prosecution. The matter is fixed today for hearing of CMA No.1916 of 2015, which is an application made under order VII rule 11 CPC by the Defendant No.3, who is present in person and states that the instant suit is hit by principle of *res judicata*, as the parties in earlier suit No.1270 of 2008 were in litigation in respect of the same cause of action on the same property, which was dismissed.

As none is present for the plaintiffs, in the circumstances at hand and when in particular no rebuttal as to the assertions made in the instant order VII rule 11 application are before this Court, the application is allowed. Resultantly, the suit is dismissed.

JUDGE