

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 596 of 2013

Order with signature of Judge(s)

1. For hearing of CMA No.5772/2013
2. For hearing of CMA No.4142/2015

15.08.2018

Mr. Asad Halepota, Advocate for Defendant No.2

None present for the Plaintiff, which has been the case for past many dates except on the first date of hearing being 15.05.2013 when a counsel appeared on his behalf. Learned counsel for Defendant No.2 presses order VII Rule 11 application and submits that the instant suit filed for declaration, injunction and damages placed reliance on an alleged email produced at page 51 claiming to have been sent by one Samina Ali from her email ID. Samiaali161@hotmail.com dated 09.03.2012, where allegations have been made against the Plaintiff that he has been misusing facilities of its employers and harassing the defendants who was his ex-daughter-in-law. Counsel contends that his client i.e. Defendant No.2 has neither sent the said email nor the said email account is in her name. As a matter of fact as per statement shown to this Court that the said account even does not exist. It is alleged that the said email communication is a false and fabricated engineered electronic transaction. Counsel further agitates that even employer of the Plaintiff, who allegedly has received instant email is not made a party.

In the circumstance at hand where no rebuttal of the instant application made under Order VII Rule 11 CPC has come forward from the Plaintiff and the Court has been given reasons to believe that the electronic communication is devoid of any authentication, the instant application is allowed. Resultantly, the suit rendered dismissed.

JUDGE