

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 26 of 2017

Order with signature of Judge(s)

- For ex-parte order against the defendants Nos.5(b), 6, 8, 9 and 10

13.09.2018

Mr. Neel Keshav, Advocate for the Plaintiff

Through the instant suit specific performance of a contract for sale of property is sought. The suit was filed on 04.01.2017, however never presented or agitated before this Court. Law requires that for all suits for specific performance the Plaintiff on the first date of hearing has to submit in the Court the balance sale consideration in support of his claim of specific performance. It appears that the matter has been pending through the Additional Registrar for issuance of summons and notice and never put to the Court. To me, it appear to be gross misuse of process of law as no relief in the suit for specific performance can be granted until and unless the balance sale consideration is deposited. Learned counsel for the Plaintiff has adverse view from this and states that this requirement is applicable, where the Plaintiff (buyer) is to put into possession of the property. Counsel to satisfy on this issue and till that no further moment shall take place.

JUDGE