

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 2158 of 2016

Order with signature of Judge(s)

1. For orders on CMA No.12647/2018
2. For orders on CMA No.12648/2018
3. For hearing of CMA No.14235/2016

24.09.2018

None present. This is suit for specific performance where vide order dated 14.10.2016 while the defendants were restrained from creating third party rights the plaintiff was directed to deposit the balance sale consideration within two weeks with the Nazir of this Court.

A review of the file suggests that such balance sale consideration has not been paid till date. In the light of apex Court judgment reported as 2017 SCMR 2022, a relief under suit for specific performance is contingent upon the Plaintiff making the balance sale consideration, which is not complied with. None is present. It appears that the Plaintiff has lost interest in proceeding with the matter, the suit otherwise is not maintainable for the reasons that the balance sale consideration is not deposited. Accordingly, the instant suit is dismissed alongwith all pending applications.

JUDGE