

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Suit No.2422 of 2015.

Date	Order with signature of Judge.
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1. For order on Nazir's Report dated 26.01.2016.
2. For non-prosecution of CMA No.994/16 as notice not issued process fee not paid.
3. For hearing of CMA No.17819/15 U/O 39 Rule 1 & 2.

02.02-2016.

Mr. Muhammad Hashim holding brief for Mr. Azizullah Khawaja, Advocate for the plaintiffs.

Mr. Asim Iqbal, Advocate for defendants No.2 & 3.

Mr. Sarfaraz Ali Metlo, Advocate for the defendant.

Dr. Najeeb Ahmed, Commissioner Inland Revenue in person.

Mr. Abdul Salaam Khan, Deputy Commissioner I.R. present in person.

1. Nazir's Report dated 26.01.2016 furnished pursuant to order dated 21.1.2016, reflects that a total of Rs: 1,75,00,000/- has been deposited on behalf of the Plaintiffs, whereas, no security or surety of the remaining amount has been furnished on behalf of any of the Plaintiffs. The earlier report of Deputy Nazir (Accounts) available on record also confirms the same position that out of 266 Plaintiffs, only 35 have deposited the amount of Rs 500,000/- each as directed vide order dated 10.12.2015. The report dated 26.1.2016 is taken on record.

2. Notices not issued as Cost not deposited. Moreover through this application the Plaintiffs seek similar orders as passed on 10.12.2015, whereby, the defendants were restrained from taking coercive action subject to deposit/security of disputed amount which they have failed to do so. Be that as it may, in the circumstances listed application is dismissed for non-prosecution.

3. It appears that on 10-12-2015 an interim order was passed, whereby, the plaintiffs were directed to deposit Rs.500,000/= each and furnish solvent surety for the balance amount, wherafter

defendant No.2 was required to correct the gas bills. As per report of Deputy Nazir (Accounts) out of 266 Plaintiffs, only 35 of them have deposited such amount, whereas, none has furnished any solvent surety as directed within 7 days. On 21.01.2016 while issuing notices on the application listed at Serial No.2, report was called from the Nazir regarding compliance of the Order dated 10-12-2015. Nazir's Report reflects that an amount of Rs. 1,75,00,000/= has been deposited by 35 Plaintiffs, whereas, others have failed to do so, whereas, as per the statement of learned Counsel for Defendant No.2, they have managed to get their bills reduced / corrected on the basis of order dated 10.12.2015, without furnishing the solvent surety. It appears that order dated 10-12-2015 was subject to certain conditions, which were to be complied within 7 days, and apparently the plaintiffs have failed to fulfill it in its entirety; rather have not even made any effort to approach the Court for enlargement of time, therefore, this Court is left with no option but to recall the Order dated 10.12.2015. The defendants may act in accordance with law for recovery of the outstanding amount, if any, against the respective Plaintiffs.

4. Adjourned to a date in office.

J U D G E

Ayaz