

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

II.A. No.113 of 2013

Date	Order with signature of Judge
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1. For hearing of CMA No.193/2014.
2. For Katcha Peshi.
3. For hearing of CMA No.7035/2013.

24.04.2014.

Mr. S. Khizar Asker Zaidi, Advocate for the appellant alongwith the appellant.

Mr. Muhammad Safdar, Advocate for the respondent No.1.

1. This application has been filed seeking modification /alteration in the order passed by this Court dated 02.01.2014. Counsel for the appellant states that his only request is that since the appellant is unable to furnish the bank guarantee the appellant may be allowed to submit other surety. Counsel for the respondent No.1 has opposed the said request and states that the order was passed by this Court after hearing both the parties and present application has been filed with malafide intention. He further states that the appellant admittedly has failed to fulfill the instructions issued by the Court.

I have heard both the learned counsel and have perused the record, which reflects that the said order has been passed in the presence of the appellant, who was specifically directed, in view of the decisions reported as 1983 SCMR 643 and 2009 YLR 909, to furnish the bank guarantee. The said order categorically states that the appellant was directed to furnish the bank guarantee and the respondent No.1 was directed that if such bank guarantee is furnished, no recovery measures would be adopted.

In view of the above, the present application appears to be misconceived and is accordingly dismissed.

2&3. Adjourned.

JUDGE

Tahseen/PA