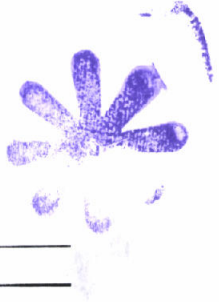


**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
HCA No.336 of 2019



Date	Order with signature of Judge
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Fresh Case:

1. For order on CMA No.434/2020 (Exemption)
2. For hearing of main case.
3. For order on CMA No.435/2020 (Stay)

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10.02.2020.

Mr. Ch. A. Rasheed, Advocate for the appellant.

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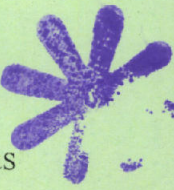
This High Court Appeal (HCA) has been filed impugning the order dated 07.10.2019 passed by the learned Single Judge in Suit No.759 of 2005.

The only request made by the counsel for the appellant is to grant sometime for depositing the balance amount of Rs.2,00,000/- with the Nazir of this Court.

The counsel has been heard and the record has been perused.

It is seen that vide order dated 17.10.2016 the plaintiff in the suit bearing No.759 of 2005, who is the appellant in the instant matter, was directed to deposit cash amount of Rs.19,00,000/- with the Nazir of this Court within one week otherwise injunction application would be dismissed. However, it is noted that only a sum of Rs.17,00,000/- was deposited and the outstanding amount of Rs.2,00,000/- has not been paid even after passage of substantial time. The record also reveals that some additional time was also granted to the present appellant (plaintiff) for depositing the said amount but the same was





not done. The record further reveals that the impugned order was passed on 07.10.2019 and this HCA was preferred on 26.10.2019 and even till-date the said outstanding amount of Rs.2,00,000/- has not been paid and yet a request has been made for grant of time, which shows mala fide on the part of the appellant (plaintiff). Had the appellant been loyal and responsible in paying this outstanding amount of Rs.2,00,000/-, the same would have been paid despite availing a number of opportunities and lapse of substantial time however it is evident that the same has not been done and the concession granted to him has not been availed. We, therefore, in view of the circumstances, found this HCA to be wholly misconceived and not maintainable and dismiss the same, accordingly, along with the listed applications in limine.

JUDGE

Judice