

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Civil Revision No.S- 94 of 2002

Date of hearing	Order with signature of Judge.
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Applications in d/o case

- 1.For hearing of CMA 16/2011 (u/O.1 R. 10 CPC)
- 2.For hearing of CMA 748/2020 (Re-call.
- 3.For hearing of CMA 06/2011 (intervenor)

12-09-2022

Syed Jaffar Ali Shah, Advocate for the applicants.
Syed Imtiaz Ali Shah Jillani, Advocate for respondent No.1.
Mr. Noor Hassan Malik, Assistant Advocate General.

2. This is an application filed on behalf of the applicants for recalling the order dated 20.09.2010, whereby instant Civil Revision Application was dismissed for non-prosecution. It is contended by learned counsel for the applicants that the matter was fixed for regular hearing after being admitted and the learned counsel for the applicants was not aware about fixing of the matter on 20.09.2010, hence said order is liable to be recalled.

Learned counsel appearing on behalf of the respondent No.1 as well as learned AAG record their no objections to the grant of this application, however, subject to costs.

It appears that on 16.09.2010, which was an earlier date, Mr. Ghulam Abbas Advocate held brief on behalf of applicants' counsel and thereafter the matter was adjourned to 20.09.2010, hence assertion of the then learned counsel for the applicants appears hardly to be supported with record. However, since the matter was fixed for regular

hearing and law always favours disposal of the disputes between the parties on merits, instant application (CMA-748 of 2010) is allowed subject to cost of Rs.25,000/- (Twenty Five Thousand) which shall be deposited by the applicants with the High Court Clinic Funds within 15 days hereof.

1&3. Adjourned to **03.10.2022**. Since it is an old matter of year 2002, learned counsel for the parties are directed to come with preparation on the next date of hearing.

JUDGE

Ahmad