

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

High Court Appeal No. 418 of 2018

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High Court Appeal No. 419 of 2018

Date	Order with signature of Judge
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Hearing / Priority

High Court Appeal No. 418 of 2018

1. For orders on office objection.
2. For hearing of Main Appeal.
3. For hearing of CMA No. 1398/2019.

High Court Appeal No. 419 of 2018

1. For hearing of Main Appeal.
2. For hearing of CMA No. 1400/2019.

23.05.2022:

Mr. Imran Ahmed, advocate for respondents
In both the HCAs.

Mr. S. Zeeshan, advocate holding brief for Mr. Abid Feroze, advocate for the appellant in HCA No. 418/2018, who is reportedly busy before another bench and requests for adjournment, whereas, no one is in attendance on behalf of the appellant in HCA No. 419/2018 and no intimation is received. On the last date of hearing, following order was passed:-

“ Mr. Masood Khan Ghouri, advocate holding brief for Mr. Abid Feroz, advocate for appellant in HCA No. 418 of 2018, who is reported unwell and requests for adjournment.

Mr. Sajid Ahmed, advocate holding brief for Mr. Imran Ahmed, advocate for respondent, who is reportedly busy before another bench, however, submits that the instant High Court Appeals have become infructuous as the possession has already been handed over.

Be that as it may, since the counsel for the appellant in HCA No. 419 of 2018 is not in attendance, we are adjourning these matters to 23.05.2022, when counsel for the appellant in HCA No. 419 of 2018 shall come

prepared to proceed with the matters and may seek instructions in this regard, no further adjournment will be granted. in case, no body appears in the aforesaid High Court Appeal on next date, the same will be dismissed for non-prosecution. Let intimation notice be repeated upon the counsel for the appellant in HCA No. 419 of 2018 for the next date of hearing.”

Today also, neither the appellant nor their counsel is in attendance. Learned counsel for respondents submits that instant High Court Appeals have become infructuous as the respondents have already sought possession of the subject shop on the satisfaction of the execution filed in the instant HCAs, therefore, the appellants are not coming forward to pursue the appeals.

Accordingly, High Court Appeal No. 149 of 2018 is dismissed for non-prosecution alongwith listed application.

It may be observed that inspite of aforesaid order passed in both the High Court Appeals, the counsel for the appellants has chosen to remain absent, whereas, instant HCA is pending since 2018 without any useful progress.

As an indulgence and last chance, we are adjourning the matter to 02.06.2022, when the counsel for the appellants shall come prepared and to proceed with the matter, failing which, instant High Court Appeal shall stand dismissed for non-prosecution.

J U D G E

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A.S.