

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

High Court Appeal No. 420 of 2018

Date	Order with signature of Judge
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Disposed of Case

For orders on CMA No. 1365/2022.

31.05.2022:

Mr. Iqbal Ahmed Dhudhi, advocate for the appellant.

Mr. Jaffer Hussain, advocate for respondent No. 1.

Mr. Jawwad Dero, Additional A. G. Sindh.

Ms. Marriam, advocate holding brief for Mr. Ovais Ali Shah, advocate for respondent No. 3, who is reportedly busy before another bench and requests for adjournment.

Through listed application filed by under Section 151 CPC read with Order XLI CPC seeking restoration of instant High Court Appeal, which was dismissed for non-prosecution vide order dated 30.03.2022.

Mr. Iqbal Ahmed Dhudhi, advocate for the appellant present in Court, submits that due to inadvertence and miscommunication Mr. S. Shayan Ahmed, advocate, who was engaged on behalf of the appellant being a local counsel as he comes from Lahore, could not reach the Court, therefore, instant High Court Appeal was dismissed for non-prosecution. It has been submitted by the learned counsel for the appellant that since connected High Court Appeal arising from the same impugned judgment is also pending, hence requests that instant High Court Appeal may be restored to its original position and may be fixed and heard alongwith connected High Court Appeal No. 419 of 2017 and decided.

Learned counsel for respondent No.1 and the learned Additional Advocate General as well as the counsel holds brief waive notice of listed application, claim copy, however, in view

of personal reason as stated by the learned counsel for the appellant, who comes from Lahore, have extended their no objection, if the listed application is granted.

Accordingly, listed application is granted and the instant High Court Appeal is hereby restored to its original position, with the caution to learned counsel for the appellant, who shall ensure to proceed the matters on each and every date, failing which, the same will be dismissed for non-prosecution.

By consent, to come up on 25.08.2022, to be taken up alongwith High Court Appeal No. 419 of 2017.

J U D G E

J U D G E

A.S.