

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

M.A. No.27 of 2023

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DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on office objection  
For orders on CMA-1925/23  
For hearing of main case

**24.10.2023**

Mr. Aamir Ali Memon advocate for appellant.

This is an appeal under Section 13 of the Gas (Theft Control & Recovery) Act, 2016. Sub-Section 2 of the said provisions read as follows:

*“(2) The appellant shall give notice of the filing of the appeal by means of registered post with acknowledgment due or by courier in accordance with the provisions of Order XLIII, rule 3 of the Code of Civil Procedure, 1908 (Act V of 1908) to the respondent who may appear before the High Court to contest admission of the appeal on the date fixed for hearing.”*

Learned counsel for appellant submits that the requirement per the aforementioned provision is mandatory<sup>1</sup>, however, the same has not been complied with and no justification in regard thereof has been proffered. In view of foregoing, this appeal is dismissed in *limine* along with pending application.

JUDGE

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<sup>1</sup> *Yasin vs. Ibrahim & Others* reported as 1987 SCMR 1345; PLD 1983 SC 693; 2006 CLC 787; *Coca Cola vs. Echo West* reported as 2016 MLD 1077.