

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI

Suit No. 624 of 2006

Date	Order with Signature of Judge
------	-------------------------------

For evidence

13.10.2023

None for Plaintiffs

Mr. Liaquat Hussain, Advocate for Defendant

The Plaintiffs suit was filed on 13.05.2006, claiming damages for alleged medical negligence leading to the demise of their father on the part of the Defendant's Doctor and the Hospital. Issues were settled on 27.10.2008 with Plaintiffs in absentia. As a matter of fact, the last time Plaintiffs' Counsel appeared in the case was on 25.09.2006. A perusal of the Order Sheet shows that none were present for the Plaintiff since then up to date.

When the suit was listed for evidence on 30.05.2018, the Plaintiffs were cautioned regarding their absence. However, none were present for Plaintiffs on the next date of hearings of 11.10.2018 and 05.11.2020. When none for Plaintiff appeared on 24.08.2023, the bench ordered a Court Motion Notice to the Plaintiffs through bailiff by way of pasting and notice to Plaintiff's Counsel and adjourned the suit to 22.09.2023 at 10:00 a.m. On the following date, once again, none appeared for Plaintiffs, and the Court repeated notice on Plaintiffs and adjourned the matter to 06.10.2023 at 9:00 a.m. However, no intimation was received from the Plaintiffs who remained absent again. As a last and final chance, the bench once again ordered a repeat of the Court Motion Notice (more so as the Bailiff's Report was not received on time) and adjourned the matter to 13.10.2023 at 10:00 a.m. The Bailiff's Report indicates that when the bailiff visited the Plaintiff's address, initially the Chowkidar informed him that Plaintiff Nos.1 to 3 did not reside at the address given in the Plaint. However, one Mr Imtiaz Akhtar who was the Chowkidar's employer, informed Chowkidar to receive the Court Notices and to sign on the copy. Additionally, as per Orders of the Court, Plaintiffs were also served Court Notice by way of pasting. Thus, when the matter was called on 13.10.2023, Plaintiffs had sufficient notice and several opportunities to come forward. Yet, no one appeared on behalf of Plaintiffs. No intimation was received.

The constant absence of Plaintiffs and no effort on the part of Plaintiffs to appoint/engage a Counsel on numerous dates of hearing to prosecute the suit is apparent from the record. Neither the Plaintiffs' Counsel nor the

Plaintiffs have stepped forward for the recording of evidence. The record demonstrates that Defendants have been diligently attending Court, but none have appeared on behalf of Plaintiffs. Based on the reported Judgments of *Moon Enterprises v. Sui Northern Gas Pipelines Limited*, 2020 SCMR 300 and *Ghulam Qadir v. Haji Muhammad Suleman*, PLD 2003 Supreme Court 180, it does not appear that the Plaintiffs are keen to proceed with his matter.

In view of the above, this Court is constrained to hereby dismiss Suit along with all pending application(s) for non-prosecution.

J U D G E