

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI

Suit No. 425 of 2005

Date	Order with Signature of Judge
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For evidence

13.10.2023

Mr. Junaid Alam, Advocate for KMC

Mr. Naseer Ahmed, Advocate, files a Memo on Appearance on behalf of KDA, which is taken on record. None present for Plaintiff. No intimation is received.

This Suit was listed for evidence on 13.08.2018 after the Court settled Issues on 27.11.2006. No one was present on 13.08.2018, and the Court cautioned Plaintiff (in absentia) to proceed positively with the matter on the next hearing date. On the next date, 17.10.2018, Mr. Riaz Ahmed holding a brief for Mr. Muhammad Anwar Tariq for the Plaintiff, requested time which was granted and the matter was adjourned. None were present when the matter came up on 11.08.2023, and it was adjourned to 08.09.2023 for recording of evidence. When none were present on 08.09.2023, this bench issued a Court Motion Notice to the Plaintiff through the Bailiff including by way of pasting and on her Counsel through electronic modes (Whatsapp and email) and adjourned the suit to 22.09.2023 at 10:00 a.m.

On 22.09.2023 Mr. Hifz-ur-Rehman holding brief for the Late Mr. Muhammad Anwar Tariq, Advocate for Plaintiff appeared and informed the Court that he had no contact with the Plaintiff. Accordingly, the Court issued a Court Motion Notice, once again to Plaintiff and for the Bailiff to effect service by way of pasting. The suit was adjourned to 06.10.2023 at 10:00 a.m. None for Plaintiff was present on 06.10.2023. The bench adjourned the case to 13.10.2023 at 10:00 a.m. but once again neither Plaintiff nor Plaintiff's Counsel appeared before the Court.

The constant absence of Plaintiff and no effort to appoint Counsel on numerous dates of hearing after the passing away of Plaintiff's first Counsel, Late Mr. Anwar Tariq is apparent from the record. The record also demonstrates that although Defendants are turning up in Court, none appear on behalf of Plaintiff, and she has failed to appear and proceed with the

matter. 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 Plaintiff is 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.

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