Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 65 of 2006

Date	Order with signature of Judge

<u>For Evidence.</u>

<u>**06.10.2023**</u>

None present for the Plaintiff.

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This case was called today at 10:00 a.m. and thereafter 11:00 a.m. and now called before the rising of the Court near 11:50 a.m., but no one has shown appearance on behalf of the Plaintiff. Neither any intimation is received on behalf of Plaintiff. The record shows that no one has appeared on behalf of the Plaintiff after 10.03.2014 except on one occasion on 17.12.2018 when the Plaintiff's Counsel requested for an adjournment. Thereafter, on 11.08.2023 and again on 08.09.2023, none were present for Plaintiff, whereafter this Bench issued a Court Motion Notice through Bailiff, including by way of pasting and on Plaintiff's Counsel through electronic modes (Whatsapp and email) and adjourned the suit to 22.09.2023 at 10:00 a.m. but no one showed up, yet again. Accordingly, on 22.09.2023, the Bench once again issued a repeat of the Court Motion Notice by pasting and adjourning the case to 06.10.2023 at 10:00 a.m. But once again, none are present as highlighted herein above.

The constant absence of Plaintiff and his Counsel on the several dates of hearing through the years 2018 to 2023 is apparent from the record, including the caution notice. The record also demonstrates that even Defendants do not bother to turn up in Court apart from non-appearance on behalf of Plaintiff. Plaintiff Counsel has failed to appear and is not interested in prosecuting this suit. 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 interested in this lis and neither is Plaintiff.

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