

ORDER SHEET  
HIGH COURT OF SINDH, KARACHI  
High Court Appeal No. 60 of 2021

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Date: Order with signature(s) of Judge(s)  
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1. For order on office objection / reply at "A"
2. For hearing of main case

**22.11.2023**

Mr. Abdul Wajid Wyne, advocate for the appellant  
Syed Wajahat Abbas, advocate for respondent  
Mr. Sandeep Malani, A.A.G.  
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In this matter appellant has impugned an order of the learned Single Judge dismissing the application under Order VII Rule 11 CPC. Mr. Wyne submits that propositions raised could not be settled as done by the learned Judge. He has attempted to make out a case that the respondents/plaintiffs have lost their possession over the land in the year 1994 or before and hence Article 142 would come into play as far as limitation in filing suit is concerned. Mr. Wyne however has not been able to satisfactorily respond to a question as to where the possession was conceded to have lost before 1994 by the respondent / plaintiffs. Since the question of possession is triable issue, we would not like to comment at this stage, however, what is agreed between the counsels is that such material proposition in the form of legal issues be framed such as

*“Whether suit was barred by time under the limitation act.”*

The counsels may file their respective issues including all other material legal issues likely to be decided by the learned Single Judge. With the above understanding this appeal is disposed of. It is expected that after framing of issues the parties would not object to the appointment of commissioner who, as and when appointed, will not take more than six months to record evidence.

JUDGE

JUDGE