

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Suit No.58 of 2021

Date	Order with signature of the Judge
------	-----------------------------------

For hearing of CMAs:

1. 388 of 2021.
2. 18501 of 2021.
3. 18502 of 2021.
4. 18503 of 2021.
5. 7031 of 2022.

**07.09.2023**

None present for Plaintiff and other Defendants.

M/s. Obaid-ur-Rehman and Muddasir Abbasi, Advocate for Defendant No.2.

\*\*\*\*\*

Despite repeated calls, no one is present on behalf of Plaintiff. On the earlier dates matter was adjourned with a note of caution to the Plaintiff.

4) Application-CMA No.18503 of 2021 filed by the Defendant No.2 is heard.

Learned counsel has referred to the Prayer Clause of the plaint that the Plaintiff is seeking cancellation of the **two General Power of Attorneys bearing Registration Nos.551 and 553**, both dated 26.08.2008 given by Defendant No.2 in favour of the Defendant No1, in respect of the **Suit Property**, viz. residential-cum-industrial land measuring 02 Acres 27 Ghana's [12942 square yards], in Survey No.397/1 and 5, Deh Phihai, Karachi; referred to Paragraph-10 of the plaint, **that it is an admitted fact** that the Suit Property was sold to Defendant No.2 vide a Registered Sale Deed dated 17.05.2007 [at pages-65 and 213 of the plaint and Written Statement respectively], **thus**, Plaintiff should have no concern with the act done by the Defendant No.2 after the purchase of the Suit Property. **Secondly**, he has submitted that even those General Power of Attorneys of which cancellation is sought have been subsequently cancelled by the Defendant No.2. The first General Power of Attorney bearing Registration No.551 is at page-89 of the plaint; whereas, the second General Power of Attorney is not filed, which is filed by the counsel for Defendant No.2 with the Statement filed today. The said Statement is taken on record (Office to

flag and page it). Learned counsel has referred to the two Revocation Deeds [at pages-243 and 251 of the Written Statement].

The documents have been perused. Both the General Power of Attorney(s) have been revoked / cancelled through the Revocation Deeds [*ibid*] both dated 3<sup>rd</sup> May 2012, by the Defendant No.2 (*ibid*). **Secondly**, since the Suit Property has been transferred / conveyed in favour of the Defendant No.2, the Plaintiff otherwise has no right or interest left in the Suit Property regarding which the present Suit is filed. **Thirdly**, this *Lis* is time barred, as both the General Power of Attorney are of 26<sup>th</sup> August 2008, **whereas**, present *Lis* is filed on 12.01.2021, and the limitation prescribed for cancelling of such documents is three years in terms of Article 91 of the Limitation Act [1908].

Even if a cause of action was there, due to the fact that the Defendant No.2 might misuse the above registered Instruments [General Power of Attorney] detrimental to the interest of Plaintiff for his other properties, the same ceased to exist after the General Power of Attorney(s) stood cancelled/revoked around a decade back. It is further clarified that the above Instruments cannot and could not have adversely affected the right and interest of Plaintiff in respect of his other properties which were are not the Subject Matter of the above Sale Deed executed between Plaintiff and Defendant No.2. With regard to other Prayer Clause, the same are also not tenable in view of the above fact and subsequent development in the matter and clarification.

Consequently, Application-CMA No.18503 of 2021 [*under Order VII Rule 11 of CPC*] is allowed and plaint is rejected. All pending applications are also disposed of. Office to draw up a Decree. There is no order as to costs.

JUDGE