

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

C. P. No. D-640 of 2019

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

PRIORITY.

1. For orders on Office Objection.
2. For hearing of Misc. No.2795/2019.
3. For hearing of main case.

15.09.2023.

M/s. Sawan Meghwar and Pervaiz Ahmed, Advocates for the  
Petitioners.

Mr. Muhammad Ramzan Tabbasum, Advocate for the  
Respondent No.1.

-----

The Petitioners have invoked the jurisdiction of this Court under Article 199 of the Constitution, impugning the Order dated 14.01.2019 made by the learned Vth Additional District & Sessions Judge, Karachi (West), dismissing Civil Revision Application No.39/2018 filed by them against the Order dated 17.08.2019 made by the learned VIth Senior Civil Judge, Karachi (West) in F.C. Suit No.1087/2015, dismissing their Application under Order IX Rule 7 read with Section 151 CPC, whereby they had sought recall of the Order dated 20.02.2016 whereby they were debarred from filing their written statements.

Following certain preliminary submissions, learned counsel for the parties are *ad-idem* that the Petition may be disposed of so as to facilitate the determination of the aforementioned Suit on merit, subject to costs and a mechanism/timeframe being put in place for facilitating expeditious disposal of the matter.

As such, by consent, the Petition stands disposed of with it being ordered that:-

1. Subject to the Petitioners depositing costs in the aggregate sum of Rs.50,000/- before the trial Court for the benefit of the Respondent No.1/Plaintiff within a period of seven (7) days from the date of this Order, the Orders of the trial and revisional Courts dated 14.01.2019 and 17.08.2019 respectively shall stand set aside, and the Order of the trial Court dated 20.02.2016 shall stand recalled, so that the Petitioners may file their written statement(s) in the Suit within a further period of three (3) days from the date of deposit.
2. Upon filing of the written statement(s) in compliance of the conditions set out in Clause 1 above, the trial Court shall proceed with the underlying Suit in accordance with law so as to expeditiously dispose of the same within a further period of sixty (60) days, with it being clarified that any adjournment as may be sought by the Petitioners would only be granted subject to payment of such additional costs as may be deemed appropriate by the trial Court.
3. In the event that the costs specified in Clause 1 above are not paid within given timeframe or the written statement(s) is not filed within the said timeframe, this Petition would be deemed to have been dismissed and the trial Court will proceed with the suit as it stood prior to this order.

JUDGE

JUDGE

MUBASHIR