

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

H.C.A. No.115 of 2023

Faryad Hussain
Versus
S.I.T.E. & others

Date	Order with signature of Judge
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1. For orders on CMA 1517/23
2. For orders on office objection a/w reply at "A"
3. For orders on CMA 1518/23
4. For hearing of main case.

Dated: 08.05.2024

Mr. Muhammad Imran for appellant.

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Learned counsel for appellant has filed this appeal wherein he has impugned the following order:-

"It is pointed out by learned counsel for defendant No.7 that vide order dated 01.09.2022 and 26.09.2022 similar application was dismissed with a cost of Rs.5,000/-. Office to submit report whether the cost of Rs.5000/- was deposited with the Sindh High Court Clinic's Account or not?"

In view of above, this application is also dismissed. Adjourned."

This appeal is barred by time and application for condonation of delay supported by affidavit has been filed. The suit was filed in respect of ½ Acre of property situated at SITE where appellant is running a factory. The justification in the application for condonation of delay was that there were some financial constraints and he was unable to engage a counsel. We are not satisfied with the reason assigned by the appellant in support of the application for condonation of delay. However, we have pointed out to the learned counsel that appellant has not even deposited the cost as disclosed in the impugned order. We have further informed that since the plaintiff's evidence has been recorded and he intends to submit some additional documents, we would consider it subject to some additional cost which he denied. He then submitted that in such circumstances he would not press this appeal and would avail remedy as available to him under the law. The appeal as such is dismissed as not pressed along with listed applications.

Judge

Judge