

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

H.C.A. No.129 of 2024

[Mst. Nayyar Almas Vs. Muhammad Hassan]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Present:

Mr. Justice Muhammad Shafi Siddiqui, C.J.

Mr. Justice Omar Sial

Hearing case

1. For orders on CMA No.977/2024 (U/O XLI R 5).
2. For hearing of main case.

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12.09.2024

Mr. Zahid Jamali, Advocate for the appellant.

Mr. Azhar Mehmood, Advocate for the respondent.

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Muhammad Shafi Siddiqui, C.J: Both counsel requested for hearing as it involve a short point. This matter was argued at some length by consent. After hearing, we have enquired that this matter could be referred for mediation as it involves a dispute between the plaintiff and defendant who were once husband and wife but no positive response was given.

2. It is also seen from the record that the appellant was served on 15.03.2022 and she remained quiet for the reasons that she has attempted to explain in the application which was dismissed by the learned single Judge (bearing CMA No.2299/2024).

3. Since it is apparently a dispute that either ought to have been referred for mediation or the appellant be put to terms to defend the suit, however, since she slept over her rights and attempted to reopen her side for defence after almost two years; we, therefore, as agreed by both counsel, impose cost of Rs.50,000/- to be paid to respondent / respondent's counsel,

within one week's time. Once the amount is deposited, the appellant is permitted to file written statement within one week thereafter; the issues be framed and if required the matter be referred for mediation for its expeditious conclusion. The appeal is disposed of in the above terms alongwith pending application.

CHIEF JUSTICE

JUDGE

Asif