

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.1348 of 2021

Date	Order with signature of Judge(s)
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1. For orders on CMA No.4285/2024.
2. For hearing of CMA No.1583/2022.

23.09.2024

Mr. Aman Aftab, advocate holding brief for Mr. Salahuddin Ahmed, advocate for the plaintiff.

Mr. Tufail Ahmed, advocate holding brief for Mr. Mansoor ul Arfin, advocate for the plaintiff.

Mr. Mayhar Kazi, advocate for the defendant

1. Defendant's counsel waives notice. By consent this application is allowed. Office to give effect.

2. This is an application under Order VII Rule 10 CPC. Per learned counsel for the defendant, plaint is to be returned as this court does not enjoy territorial jurisdiction over the dispute. Grounds relied inter alia include that the defendant is admittedly incorporated in Singapore and has no presence in Karachi; the agreement relied upon, available at page 39, clearly demonstrates that no part of the service was required to be performed within jurisdiction of this court. A copy of the agreement attached is also stated to demonstrate that the agreement was sent to the defendant in Singapore for execution. Learned counsel states that defendant is not situated within jurisdiction of this court neither has any cause of action accrued herein, therefore, this court is forum non-conveniens. This application is pending since 2022 and even today learned counsel for the plaintiff is absent and brief is being held and adjournment is being sought. The plaint is perused and no case is discerned to dispute the grounds articulated by defendant counsel, therefore, in reliance thereof, plaint is hereby returned.

Judge