

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C. P. No. D – 38 of 2018

Date of hearing	Order with signature of Judge
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Application in disposed of case

1. For orders on CMA No.4589/2024 (U/A)
2. For orders on CMA No.4590/2024 (XXIII Rule 1 CPC)

18.09.2024

Mr. Ahmed Yar Magsi, Advocate for petitioner.

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1. Urgency is granted.

2. Learned Counsel for the petitioner states that instant Petition was restored vide this Court's order dated 07.03.2024 in furtherance of CMA No.168/2024, as this petition was earlier dismissed on account of non-prosecution vide order dated 19.12.2023, however, the petitioner was directed to make payment of Rs.50,000/- as cost. Learned Counsel further states that as per his instructions the petitioner is not interested to pursue the matter and his client is not inclined to even make payment of Rs.50,000/- and he prays for the withdrawal of CMA No.168/2024.

In the circumstances at hand, when no notice of the restoration was issued to the respondents and the petitioner has changed its *locus standi* to not to have the instant petition restored, accordingly, order dated 07.03.2024 is modified to the extent that now CMA No.168/2024 is considered to have been recalled at the request of the Counsel for the petitioner. Resultantly, order dated 19.12.2023 regains the field to the extent that the petition would be considered to have been **dismissed in non-prosecution** w.e.f. 19.12.2023.

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