

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 11 of 2005

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

1. For orders on CMA No.5098/2024 (U/A)
2. For orders on CMA No.5099/2024 (151 CPC)

18.09.2024

Mr. Ghulam Murtaza Buriro, Advocate for petitioners.

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1. Urgency is granted.

2. Learned Counsel for the petitioners states that this petition was disposed of vide order dated 25.04.2006, where this Court was pleased to direct the Court of Ist Senior Civil Judge, Khairpur to hear the Execution Application. However, the said order also included the names of two Counsel namely M/s Bhajandas Tejwani and Nizamuddin Baloch, and it was suggested that they would provide assistance to the Executing Court. Learned Counsel further states that thereafter the matter was remanded to the said Court, however, with the passage of time, no progress was made except the Court insisting compliance of this Court's order dated 25.04.2006 regarding the names of two Counsel, and held that the Court would not hear the matter except in the presence of those two Counsel, to the extent that on 20.03.2024, a written request was made by the Decree Holder to suggest that since Mr. Bhajandas Tejwani, Advocate has moved to Karachi and Mr. Nizamuddin Baloch is not taking any briefs, hence, in the given circumstances, the Court should hear the matter by some other Counsel appointed by both the side, which request was dismissed vide order dated 26.06.2024.

In these peculiar circumstances, we are of the view that valuable time of the petitioners and the Court has been wasted merely asking the parties to be represented through the Counsel who were named in the

order dated 25.04.2006. Therefore, the concerned Court (1st Senior Civil Judge, Khaipur) is directed to hear the matter in the presence of duly appointed Counsel by the parties and not to insist that those parties must be represented by the Counsel named in the order. Valuable time having been lost by the Court and the rights of the petitioners having been delayed is very regretful.

The application stands **disposed of** in the above terms. Let a copy of this order be sent to the concerned Court through the Additional Registrar of this Court.

J U D G E

J U D G E

Abdul Basit