

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

High Court Appeal No.92 of 2024

Husain Bux Soomro
Versus
Atta Mohammad Soomro

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
------	-----------------------------------

Present:
Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Omar Sial.

Fresh Case

1. For order on CMA No.577/2024 (Urgent).
2. For order on CMA No.578/2024 (Exemption).
3. For hearing of main case.
4. For order on CMA No.579/2024 (Connecting of HCA No.411/2023).

.....

Dated 07.03.2024

Appellant Hussain Bux Soomro present in person.

.....

On 25.10.2023 the learned single Judge framed following

five issues:-

- i) *Whether the parties were running a joint business at Dubai since 2002?*
- ii) *Whether the properties mentioned in prayer clause (a) were purchased jointly by the parties in the name of the Defendant from proceeds of their joint business? If so, whether those properties were sold by the Defendant for Rs.65,500,000/- and 50% of the Plaintiff's share was not given to him?*
- iii) *Whether the properties mentioned in prayer clause (c) were jointly purchased by parties in the name of the Defendant from the proceeds of the joint business of the parties?*
- iv) *Whether the Plaintiff suffered damages at the hands of the Defendant as alleged in para-10 of the plaint? If so, to what damages is he entitled to?*
- v) *What should the decree be?*

Whereas, in a suit for Administration and Partition, an application under Order-VII Rule-11 CPC was filed on 30.10.2023 i.e subsequent to settlement of issues. It is to be noted that no

legal issue was framed by Court in presence of parties as there was none. All issues framed required to be traced through evidence, apparently. The only ground taken in the application is of cause of action.

It has now been a settled law that cause of action is a series of facts narrated in the plaint itself and not necessarily in one line or para; however notwithstanding above, this cause is also articulated in para-14 of the plaint. It was very ably discussed in the order and we see no reason to interfere. The appeal is dismissed along with listed applications.

JUDGE

JUDGE

Ayaz Gul