

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

H.C.A. No.155 of 2024

Syed Muhammad Ammadudin

Versus

Syed Siddiq Ahmed & others

Date	Order with signature of Judge
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1. For orders on CMA 917/24
2. For orders on CMA 918/24
3. For hearing of main case
4. For orders on CMA 919/24

Dated: 19.04.2024

Mr. Muhammad Aziz Khan for appellant.

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An application under order VII rule 11 CPC was filed by the appellant as being defendant in the suit which was dismissed vide impugned order. It is claimed that the application was moved on three grounds i.e. (i) suit being barred by time, (ii) not maintainable in terms of Section 42 of Specific Relief Act and (iii) after execution of Relinquishment Deed, the suit did not lie.

We have heard the learned counsel and perused material available on record.

Nothing is said as far as limitation is concerned and that is well covered by learned Single Judge in the impugned order. Insofar as the two grounds are concerned, on the strength of Relinquishment Deed a plaint cannot be rejected; it may however ultimately, after framing of issues and recording of evidence, lead to conclusion which may include dismissal of suit and on this count of execution of purported relinquishment deed as a defence, plaint cannot be rejected.

Similarly the impression is created as if after relinquishment of deed plaintiff does not have a right or title/status within the frame of section 42 of Specific Relief Act hence cannot maintain the suit. That too would be taken to its logical end once issues are settled.

This being the situation we do not find anything to interfere in the impugned order. Accordingly, appeal merits no consideration and the same is accordingly dismissed along with listed applications.

Judge

Judge