

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

Suit 1188 of 2019

-----  
Date: Order with signature of the Judge  
-----

1. For ex-parte orders against defendant No.1 (ii)
2. For hearing of CMA No.9873/2019
3. For hearing of CMA No.9874/2019
4. For hearing of CMA No.11260/2019
5. For hearing of CMA No.14101/2022
6. For hearing of CMA No.14102/2022

**05.11.2024**

Mr. Adnan Ahmed, advocate for the plaintiff  
Mr. Nasir Rizwan Khan advocate for defendant

This is a suit for specific performance in respect of agreement executed in the year 1976 and 1978. Learned counsel was confronted with respect to the issue of limitation as to how suit was filed in the year 2019 in view of Article 113 of 1<sup>st</sup> schedule to the Limitation Act 1908. Learned counsel remained unable to assist and further could not articulate as to whether the matter fall in the 2<sup>nd</sup> category of the said article.

Learned counsel for defendant submits that earlier Suit Nil of 2018 was filed in respect of the same controversy between the same parties and the same was dismissed for non-prosecution on 13.05.2019. The said order is attached at page 45 of the court file. Under such circumstances learned counsel remained unable to justify as to how second suit was filed in such regard.

In view of the foregoing no case is made out to sustain the suit and the plaint herein is hereby rejected per Order VII Rule 11 CPC.

Judge

Amjad