

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

RA No. 86 of 2022.

Date: Order with signature(s) of the Judge(s)

Fresh Case.

1. For Orders on Office Objection a/w reply at 'A'.
2. For Orders on CMA No.4088/2022.
3. For Hearing of Main Case.

20th October, 2022.

Mr. Shariq Abdul Razzak advocate for the applicant.

1. Overruled.
2. Exemption is granted subject to all just exceptions.
3. Through impugned order trial court closed the side of applicant. Admittedly he has filed summary suit which is pending for adjudication. Needless to mention that a lis is to be decided on merits and no one shall be knocked out on technicality. It is also a legal proposition that no one shall be allowed to linger on the case. Here yet Applicant has to adduce his evidence; there is no prejudice caused to the Respondent No.1 except delay, hence, cost of Rs.50,000/- is imposed on the Applicant, to be paid to Respondent No.1. Impugned order is set-aside applicant side for evidence is open for one month only. Meanwhile Applicant shall lead his evidence and trial court would be competent to close the side of the Applicant, if Applicant failed to record evidence in accordance with law. That cost shall be deposited before the trial court and Respondent No.1 would be at liberty to receive the same.

In view of above, instant Civil Revision Application is disposed of.

JUDGE