

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Suit No.246/2013

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DATE                      ORDER WITH SIGNATURE OF JUDGE  
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For hearing of CMA No.12081/15  
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04.9.2015

Mr. Muhmamamd Vawda for plaintiff. Along with Bilal Shah, Mujahid Rehman, Muhammad Suleman Sattar attorney of plaintiff No.4 and Gulzar Shah plaintiff in connected suit

Mr. Naseer Ahmed for defendant No.1

Mr. Shafaat Hussain for defendant No.2 along with Bilal Shah

Syed Aal-e-Maqbool AAG along with Ms. Ascho Marzia Begum State Counsel

.X.X.X.

It appears to be a case where plaintiffs' rights arising out of a title to be delegated to them were delegated by defendants No.1 to 2 against which the suit has been filed for its cancellation . Though the summons have been issued and served however at present there is a compromise application between the plaintiff and defendant No.2 whose Counsel appeared and has consented. Mr. Shafaat Hussain who was present for defendant No.2 on the last date is also present today. He admitted the signatures of attorney of the defendant No.2 on the compromise application and who was exempted from appearance on account of illness of his son.

It is contended by Mr. Muhammad Vawda learned Counsel for the plaintiff that perhaps that since the defendant No.1 has further sold the property to defendant No.2 therefore, the presence of all parties was necessary. Today learned Counsel for the plaintiff submits that he is pressing the suit only against defendant No.2 with whom he has entered into a compromise and as far as rest of the defendants are concerned, on instructions the plaintiffs' Counsel is withdrawing the suit unconditionally.

I have perused the terms of the compromise and it is substantially meant for cancellation of sublease in favour of defendant No.2 and for further compliance by defendants No.3 & 4 accordingly. Insofar as the Suit No. 809 is concerned that has also been withdrawn by defendant No.2 unconditionally hence the application is allowed and the suit is decreed in terms thereof whereas the suit is dismissed against rest of the defendant.

Judge