

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.1418/2013

DATE ORDER WITH SIGNATURE OF JUDGE

For hearing of CMA No.11359/15

06.10.2015

Mr. Sardar Shabbir Sultan Advocate for plaintiff.
Mr. Babar Ali Shaikh for defendants
.X.X.X.X

The plaintiff in this suit has prayed that the bail order in Criminal Bail Application No.1303/2013 be declared as illegal and that in prayer clause (c) he is seeking negative declaration and on the basis of such declaration he is seeking damages.

On query as to how such declaration can be obtained in relation to the property to which the plaintiff has no interest in terms of Section 42 of Specific Relief Act. Counsel concedes that they have no interest in the property. Counsel submits that as far as the other prayer is concerned the plaintiff has drafted the plaint himself wherein damages are based on prayer clauses (b) and (c) and since no case is made out, therefore, Counsel on instructions does not press this suit. The suit is therefore dismissed as not pressed.

Judge