

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No.2459 of 2014

Date: Order with signature of Judge

1. For orders on CMA No.16491/16
2. For orders on CMA No.16492/16
3. For orders on CMA No.16493/16

24.11.2016

Mr. Muhammad Vawda for plaintiff along with
plaintiff No. 3 Syed Hassan Nasim
M/s. Liaquat Merchant and Khalid Shah for
defendant along with Zafar Nazir Director Medical of
defendant No.1

.X.X.X.X.

1. Urgency application granted.
2. Plaintiff No.1 is wife of plaintiff No.3. It is claimed that she was and is mentally in a permanent vegetative state since 2014. The medical report is available on record along with the plaint as well as the application bearing CMA No.14828/15. Although she was discharged from hospital, such discharge report is also available at page 37. Since then she is in same mental state. The controversy as to the appointment of guardian on account of such mental state is to be resolved on the basis of medical record or through an enquiry.

I have heard the learned Counsels. The medical reports are available on record which pertains to the period of 2014 when she was discharged. Subsequently the parties i.e. husband of plaintiff No.1 has filed this suit as plaintiff No.1 is still in the same state. In view of the above and the affidavit sworn by the plaintiff No.3 I see no reason to disagree with the statement made on oath and accordingly appoint plaintiff No.3 as guardian and next friend in terms of Order 32 Rules 7 and 15 CPC.

Insofar as the plaintiff No.2 is concerned since she is minor, plaintiff No.3 is appointed as guardian for the purposes of deciding the compromise application.

3. This compromise application has been filed by the plaintiff and defendant no.1 and it is claimed that the plaintiffs are withdrawing their suit against defendants No.2 & 3. I have seen the contents of the application. It seems that the parties have settled their dispute amicably. The terms of the contents are within the frame of the suit and appears to be lawful. The application is allowed and the suit is decreed in term of the compromise against defendant No.1 and dismissed as withdrawn as against defendants No.2 and 3. The cheque mentioned in para-1 of the compromise application has been handed over to the plaintiff No.3 which is acknowledged.



Judge