

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.2062 of 2014


Date Order with signature of Judge

For hearing of CMA 13870/14

Dated: 14.09.2015

None for plaintiff.  
Ms. Naheed A. Shahid for defendants No.1.  
Mr. Ijaz Ahmed Sheerazi for defendant No.3.

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This is suit for specific performance filed by the plaintiff against the defendants in pursuance of an indemnity clause in tenancy cum lease agreement. Learned counsel for defendants are in attendance and submit that there is nothing due and outstanding insofar as any amount is concerned, as prayed for/pleaded in the plaint as all dues have been paid and the status of the plaintiff was/is not of a tenant. Learned counsel further submit that plaintiff has no locus standi to institute the suit as the tenancy agreement that is in existence is of 11.02.2010, which is filed Annexure W/1 to the plaint, and the plaintiff is neither identified therein nor <sup>is</sup> the signatory of the said agreement. Learned counsels submit that even otherwise since the Bank itself has stated that nothing is due and outstanding therefore no right has accrued in favour of the plaintiff to file the instant suit. Be that as it may, it is 11:45 a.m. and neither plaintiff nor her counsel is in attendance and there is no intimation from which it seems that the plaintiff has lost interest in the proceedings and accordingly (though the matter is fixed for hearing of application) the suit is dismissed for non-prosecution along with pending applications.

  
Judge