

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No. B-54/2009

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Date _____ Order with signature of Judge _____

1. For hearing of CMA No.1045/10
2. For hearing of CMA No.2196/09
3. For hearing of CMA No.5294/09

21.03.2016

Mr. Faiz H. Shah for the plaintiff.
Mr. Aijaz Hussain Shirazi for defendant No.1
Mr. Imtiaz Ali Shah for defendant No.2
.X.X.X.X.X

Plaintiff claimed to have mortgaged the property as Attorney of principal in connected suit. The connected Suit No.B-130/2009 has already been decreed against the defendants. The plaintiff in this suit has filed a leave application in the connected suit which was disposed of. Accordingly in terms of para-134 of the judgment provides that the liability of defendant No.3 is limited to the extent of its act only performed by him in as capacity of Attorney of the principal and nothing more. Since the plaintiff has admitted that he has mortgaged the property therefore, the declaration sought by him in Suit No. B-54/2009 could act as contrary to the judgment and decree to which appeal has been preferred by both the defendants No.2 and 3 in the connected suit. Since the order dated 06.8.2015 has already been challenged by the principal and borrower, the question of this suit has become infructuous and would be considered subsequently.



Judge

Put up c/w with Suit. No.B-182/09.