

Order Sheet
IN THE HIGH COURT OF SINDH, KARACHI
CP No.S-848 of 2025

Date	Order with signature of Judge
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Priority.

1. For orders on office objection.
2. For hearing of CMA No. 15798/2025.
3. For hearing of CMA No. 15799/2025.
4. For hearing of CMA No. 16000/2025.
5. For hearing of CMA No. 14779/2025.
6. For hearing of main case.

04.11.2025.

M/s. Muhammad Ahmed Masood & Shafiq Razzak, Advocates for the Petitioner.
Mr. Altaf Hussain, Advocate for respondent No.4.
Syed Aly-e-Maqbool Rizvi, AAG Sindh.

Through the instant constitutional petition, the petitioner has assailed the order dated **21.07.2025**, passed by the learned District Judge, Malir, Karachi, whereby Revision Application No.55 of 2025 filed by the petitioner was disposed of with a directions to transfer the petitioner’s case from the court of Senior Civil Judge-I, Malir, Karachi, to that of Senior Civil Judge-II, Malir, Karachi.

From perusal of the record, it appears that on 24.07.2025, this Court, while issuing notice to the respondents, suspended the operation of the impugned order. However, on the very same date, the Senior Civil Judge-II, to whom the case had been transferred, proceeded to hear an application under Order VII Rule 11, C.P.C., filed by the respondent and rejected the plaint in Suit No.3893 of 2025 filed by the petitioner. Subsequently, on 28.07.2025, this Court, in the instant proceedings, also suspended the operation of the order whereby the plaint was rejected.

Learned counsel for the respondent has submitted that he has No Objection, if the matter is remanded to the trial court for decision afresh. Accordingly, **by consent**, this petition is disposed of in the following terms:

i. The order dated **21.07.2025**, passed by the learned District Judge, Malir, Karachi, in Revision Application No.55 of 2025 and the order dated **24.07.2025**, passed by the Senior Civil Judge-II, Malir, Karachi, whereby the plaint in Suit No.3893 of 2025 was rejected, are set aside. The suit is restored to the position as it existed on 21.07.2025.

ii. The District Judge, Malir, Karachi, is directed to recall Suit No.3893 of 2025 from the Senior Civil Judge-II, Malir, Karachi, and assign it back to the Senior Civil Judge-I, Malir, Karachi, who shall decide the pending applications as well as the case itself expeditiously and strictly in accordance with law.

iii. The remand shall be without prejudice to the case or claim of either party on merits. The parties shall be at liberty to raise all factual and legal pleas available to them before the learned trial court, which shall decide the matter independently and in accordance with law, without being influenced by any observation made herein.

Needless to mention, that the parties shall extend full cooperation to the learned trial court and no unwarranted adjournments shall be sought so as to ensure expeditious and effective disposal of the matter.

Petition stands disposed of along with pending applications, if any.

JUDGE

jamil