

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitution Petition No.D-1989 of 2024

Muhammad Nadeem
Versus
Muhammad Saleem and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Present:
Mr. Justice Muhammad Shafi Siddiqui
Justice Ms. Sana Akram Minhas.

- Fresh Case
- 1. For order on Misc. No.9003/2024 (Urgent/App).
 - 2. For order on Misc. No.9004/2024 (Exemption/App).
 - 3. For order on Misc. No.9005/2024 (Stay/App).
 - 4. For hearing of main case.
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Dated 30.04.2024

Mr. Imdad Ali Bhatti, Advocate for the petitioner.
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Petitioner’s suit No.1602/2012, that was filed in the Court of Ist Senior Civil Judge Karachi East, was decreed which decree was challenged by the Respondent No.1 invoking the jurisdiction of the trial court in terms of Section-12(2) CPC. The trial court framed the issues and dismissed it. Aggrieved of it, Respondent No.1 then preferred a civil revision No.163/2022 which, in consideration of the facts mentioned therein, was allowed and the matter was remanded to the trial court for trial in accordance with law.

The basic issue that was urged in the application under Section-12(2) CPC was that the Respondent No.1 was not properly served. The first para of typed page-3 of the impugned judgment of the appellate court shows that the Respondent was served through the clerk of Town Municipal Administration, Korangi. These are questions of facts which were probed by the two forums below. We are not sitting as an appellate court to probe such facts. Under Article-199 of the Constitution of Islamic Republic of Pakistan the jurisdiction of this Court could only be extended if there is a

constitutional violation or a jurisdictional defect. Nothing of these two has been highlighted by the learned counsel, as the jurisdiction under Section-12(2) CPC was vested and the discretion was exercised and the service was not found to be effected in terms of the para of typed page-3 of the impugned judgment.

No interference is required. The petition is dismissed along with listed applications.

JUDGE

JUDGE

Ayaz Gul