

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

C.P.No.D- 494 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objections.
2. For orders on MA 2870/2019.
3. For orders on MA 2871/2019.
4. For hearing of main case.

Date of hearing: 14.05.2025.

Date of Order: 14.05.2025.

Petitioner present in person.

Mr. Muhammad Ismail Bhutto, Additional A.G, Sindh.

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Dr. Syed Fiaz ul Hassan Shah, J:- The petitioner has challenged the concurrent findings in the present petition. Initially, the petitioner has filed an application u/s 12(2) CPC before the trial Court in Suit No.137/1981 [Abdul Hamid Ali and others v. Amir Ali and others]. The said application u/s 12(2) CPC was dismissed by the learned Senior Civil Judge, Golarchai at Badin vide order dated 09.01.2019, against which the petitioner has filed Civil Revision Application No.6/2019 which was also dismissed vide order dated 22.02.2019, which has been impugned before us.

It may be observed that vide order dated 20.04.2016, the application was filed by the plaintiff of Suit No.137/1981 (the father of present respondent No.5) under Order 23 Rule 1 CPC for withdrawal of the suit unconditionally which was allowed through the Order dated 20.04.2016. We are in-comprehensive to understand that how the petitioner is aggrieved with the Order dated 20.04.2016 for unconditional withdrawal of Suit as no prejudice has caused to him and no substantial right has been given to anyone under said Order by trial Court. The petitioner has failed to bring any illegality that may draw any inference that the impugned orders are illegal or without lawful authority. The essential ingredients of Section 12(2) CPC are not attracted in

the present case. The orders passed by the Courts below are well reasoned and the petitioner has failed to draw any one of the essential ingredients of “fraud” or “misrepresentation” or “coercion” as required under the provisions of Section 12(2) CPC. Therefore, the application of petitioner filed under Section 12(2) was rightly dismissed by Courts below.

Consequently, we hold that the petitioner is not an aggrieved person from the orders passed by the Courts below and his case does not fall within the definition of Article 199 of the Constitution of Pakistan, 1973 which may warrant any interference in the impugned orders. To sum up, the petition is dismissed alongwith pending applications.

Needless to observe that the petitioner is at liberty to approach the office of D.C, District Badin for redressal of his grievances with regard to his ancestral properties and the incumbent will pass the appropriate order in accordance with law.

JUDGE

JUDGE

Tufail