

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

R.A No.32 of 2006

Date

Order with signature of Judge

For hearing of main case

05.5.2016

None present for the applicant.
Ms. Rahat Ahsan, D.P.G.

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This civil revision is directed against the order Ist Additional District Judge (Central) Karachi, in Civil Appeal **No.183/2002** whereby application under Section 12(2) CPC was allowed and the order dated **24.11.2003** was set aside. The civil revision was filed on **7.3.2006**. The order dated **11.9.2006** in the instant Revision suggests that this revision is only on the ground that application for payment of decretal amount in installment was allowed. After **11.9.2006** counsel for the applicant never turned up and only on two dates Ms. Nazia Siddiqi advocate was present for holding brief on behalf of the counsel for the applicant. Record shows that since **01.4.2009** nobody has come forward for the last several dates.

I have gone through the record, which shows that the applicant has filed suit No.458/2002 for recovery of Rs.36,000/- and despite exparte proceeding same was dismissed and on appeal bearing No.183/2002 and exparte appeal was granted and even in appeal the Respondents were not served properly. However, the Respondent had filed an application under **Section 12(2) CPC** before the appellate court, which was allowed. The appellate order was recalled by the

impugned order in this civil revision, I have noticed that even in the impugned order the decree has already satisfied before the order / judgment in the main appeal. However, it was set aside, though the decree satisfied. It was not supposed to be in existence as there was no contest.

In view of the above facts, the revision is dismissed.

JUDGE

SM