

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No. 1115 of 2015

Date	Order with signature of Judge
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1. For order on CMA No.3272/2017
2. For order on CMA No.3273/2017

03.04.2017

Plaintiff is present along with his counsel Dr. Shahnawaz advocate.

Muhammad Ali Mazhar, J: The plaintiff has filed this suit for specific performance and permanent injunction and valued the suit in the sum of Rs.1,50,00,000/- (one crore and fifty lac). The order dated 20.02.2017 demonstrates that the plaintiff's counsel requested for time to file application for return of plaint as according to him, the valuation of the property in question is less than the pecuniary jurisdiction of this court. Now, along with urgent application, he has filed an application under Order VII Rule 10 C.P.C (CMA No. 3273/2017) and has prayed that the plaint may be returned to the plaintiff to pursue his remedy in the proper jurisdiction. In court learned counsel also pointed out that due to this anomaly, the plaintiff had already filed civil suit No. 720/2015 in the Court of IInd Senior Civil Judge Central, Karachi, where an application was moved under Order VII Rule 11 C.P.C. by the defendants and vide order dated 21.02.2017 the learned IInd Senior Civil Judge Central, Karachi rejected the plaint primarily for the reasons that the plaintiff had not withdrawn the suit filed in

this court before filing suit in the civil court nor any such fact was mentioned in the plaint, therefore, the two suits on the basis of same cause of action were not found maintainable.

In view of this situation, when this court has no pecuniary jurisdiction then it is the right approach to return the plaint rather than to proceed the matter further. Office is directed to return the plaint and retain the photocopy for the record, thereafter, the plaintiff may act in accordance with law. Application is disposed of in above terms with all pending applications.

JUDGE