

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

C.P.No.D- 2273 of 2016

C.P.No.D- 2277 of 2016

DATE

ORDER WITH SIGNATURE OF JUDGE

For katcha Peshi

31.01.2018.

Mr. Ashfaque Ahmed Lanjar Advocate for petitioner in
C.P.No.D-2273 of 2016

Syed Tarique Ahmed Shah Advocate for petitioner in
C.P.No.D-2277 of 2016

Mr. Muhammad Ismail Bhutto Asstt:A.G

Through this single order, we intend to decide above cited constitutional petitions as those are arising out of order dated 25.3.2015 passed by the learned Additional Sessions Judge Tando Allahyar whereby Cr. Misc. applications U/s 22-A & B Cr.P.C bearing No.34/2015 and 37/2015 filed by the parties against each other have been dismissed.

We have heard the learned counsel for the parties at considerable length and perused the case files.

It appears from the record that both the petitioners are real brothers interse and the dispute arose between them over the money transaction and admittedly both the parties are in civil litigation. We have noted that in these constitutional petitions disputed question of facts have been agitated by both the sides and it is settled proposition of law that disputed question of facts cannot be undertaken by the court in constitutional petitions, therefore, we found no merits in these constitutional petitions which are dismissed alongwith listed applications. However, the parties are at liberty to agitate their

rights if any before competent forum and if these proceedings are filed, then the trial court shall decide the same in accordance with law.

JUDGE

JUDGE

A.Rasheed