

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-861 of 2018

Date Order with signature of Judge

Present

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Agha Faisal

Haji Maqbool Ahmed.....Petitioner

V E R S U S

Mst. Sikandar & others.....Respondents

18.12.2018

None present for the Petitioner.

Muhammad Ali Mazhar, J: This petition was presented on 31.01.2018 whereby the petitioner has challenged the order dated 03.12.2003 passed by VIIIth Senior Civil Judge, Karachi, South in Civil Suit No.1943/2003 (Old Civil Suit No.1172/1997). The suit was dismissed for non-prosecution. On 13.02.2018 also the learned Division Bench of this court directed the counsel for the petitioner to explain the laches. The order passed by the learned Senior Civil Judge cannot be directly challenged in the writ jurisdiction when the right of filing application for restoration of the suit was available. The petition is not only hit by laches but also not maintainable on the ground of non-availing appropriate and expeditious remedy provided under the law before coming to this court. The petition is dismissed alongwith pending application.

Judge

Judge

