

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Const. Petition No. D-2639 / 2018

ORDER WITH THE SIGNATURE OF THE JUDGE

For orders as to maintainability of petition.

20.12.2018

Mr. Amanullah Lashari, advocate for the petitioner.

Mr. Javed Asghar Awan, advocate for Respondent No. 2.

Mr. Muhammad Zahid Khan, Asstt: Attorney General.

Through this petition, the petitioner has challaned the order passed by learned Single Judge of this Court on 15.02.2018 in Execution Application No. 08/2017 arising out of Suit No. 2027/2016. At the very outset, we raised query to learned counsel for the petitioner as to how this petition is maintainable against the order of learned Single Judge of this Court, which is barred under sub-Article (5) of Article 199 of the Constitution of Islamic Republic of Pakistan.

After arguing the matter at some length, learned counsel for the petitioner has filed an application stating therein that petitioner may be allowed to withdraw this petition and in lieu of the petition he may also be allowed to file an appeal. The application is taken on record.

Instant petition is disposed off as withdrawn; however, petitioner may avail appropriate remedy in accordance with law and subject to all just exceptions.

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