

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P. No.D-3885 of 2018**

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**Order with signature of Judge**

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Present: **Muhammad Ali Mazhar and Agha Faisal, JJ.**

- 1. For orders on CMA No.12120 of 2019*
- 2. For hearing of Misc. No.17608 of 2018*
- 3. For hearing of main case*

23.04.2019

Mr. Shamsuddin Bhayo, Advocate for the petitioner.  
Mr. S. Mohammad Haider, Advocate for respondent No.1.  
Mr. Jawad Dero, Additional Advocate General Sindh.

Muhammad Ali Mazhar J., This constitution petition has been brought to challenge the order dated 14<sup>th</sup> May, 2018 passed by the V<sup>th</sup> Additional District Judge, Karachi East in Civil Revision Application No.54 of 2018, whereby the Additional District Judge dismissed the application filed by the same petitioner under Order 41 Rule 5 CPC for suspending the operation of the impugned judgment and decree dated 21.03.2016 and order dated 09.03.2018. It is an admitted fact that Civil Revision Application is pending through which the same petitioner has challenged the order passed by the learned trial court for dismissing the application moved under section 12(2) CPC.

After hearing the learned counsel for the parties, we are of the view that any observation on merits may prejudice the case of either parties before the Revisional Court. At the same time, we cannot ignore that only stay application has been dismissed but the revision application is still pending and at the same time the Executing Court is pressing hard for the execution of the judgment and decree which was challenged by the petitioner under section 12(2) CPC. In the present circumstances, the learned counsel for

the petitioner requests for some directions to the Revisional Court to decide the revision application expeditiously, but in the meanwhile, he also requests for some restraining orders so that the execution proceedings may be stopped. Learned counsel for respondent No.1 argued that directions may be issued to the Revisional Court with some specific time limit to decide the revision application on merits.

As a result of above discussion, this petition is disposed of with the directions to the learned Vth Additional District Judge, Karachi East to decide the Revision Application No.54 of 2018 within a period of one month. Till such time only the Executing Court shall not pass any coercive orders against the petitioner. It is clarified that no unnecessary adjournment shall be claimed by the petitioner nor it will be entertained and granted by the learned Revisional Court without just cause. Compliance report shall be submitted through learned MIT of this Court.

**J U D G E**

**J U D G E**

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