

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

**C.P No.D-3029 of 2015**

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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04.08.2020

Mr. Mian Taj Muhammad Keerio, advocate for petitioner

Mr. Imdad Ali Unar, advocate for respondent No.4

Mr. Allah Bachayo Soomro, Additional A.G Sindh

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It is noted that this constitutional petition was dismissed by this Court, vide order dated 20.11.2019, concluding para whereof reads as under:

*"Moreover, the allotment of the premises in question was cancelled by the competent authority vide order of the Deputy Commissioner (Annexure "B") following by his report and subsequent correspondence made by the Secretary to the Government of Sindh and possession thereof was also restored to the Town Committee, hence, the question involved in this case coupled with the prayer of petition requires evidence which cannot be recorded by this Court in exercise of its writ jurisdiction. Accordingly, the petition besides being misconceived is devoid of its merits, which is hereby dismissed."*

This order was not challenged before Hon'ble Supreme Court of Pakistan, however instead of this a review application bearing M.A No.12573/2019 was filed which was also dismissed, vide order dated 23.12.2019, with following observations:

*"Listed review application, in view of the order dated 20.11.2019, seems to be misconceived; accordingly, it is hereby dismissed."*

Again learned counsel for the petitioner has filed M.A No.1577/2020 [application for restoration under Order 47 Rule 7(2) CPC]. During course of arguments, we have specifically asked a question from the learned counsel for the petitioner that after dismissal of this petition as well as review application how this miscellaneous application (M.A No.1577/2020) is maintainable, however, he has no satisfactory answer with him. Even then we have observed that in this petition disputed questions of facts are involved, which cannot be looked into by this Court, therefore, we do not find any merit in this miscellaneous

application, which is also hereby dismissed. Since nothing remains to be decided in this petition, therefore, office is directed to consign the file in Record Room of this Court.

JUDGE

JUDGE

Sajjad Ali Jessar