

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

Civil Revision Appln.No.S-182 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
	For hearing of main case.

30.11.2020.

Syed Inayat Hussain Shah, Advocate for applicant.
Syed Shafique Ahmed Shah, Advocate for the respondents.
Mr. Aslam Pervaiz, Assistant Attorney General for Pakistan.

====

The facts in brief necessary for disposal of instant civil revision application are that the applicant filed a suit for Defamation etc. before learned Vth Senior Civil Judge, Hyderabad, the plaint whereof was rejected by him vide order dated 11.03.2019. Appeal preferred against such order was dismissed by learned VIth Additional District Judge, Hyderabad vide order dated 5th September 2019. Those orders have been impugned by the applicant before this Court by way of making instant Civil Revision Application.

2. At the very outset, it is stated by learned counsel for the applicant that he would not press the disposal of instant civil revision application on merits, if impugned orders are set-aside with direction to learned Trial Court to return the plaint to the applicant to be presented before the Court having jurisdiction for its disposal in accordance with law.

3. Learned Assistant Attorney General for Pakistan and learned counsel for the respondents were fair enough to concede the proposal advanced by the learned counsel for the applicant.

4. I have considered the above arguments and perused the record.

5. Admittedly, the plaint has been rejected by learned Trial Court for want of jurisdiction. If learned Trial Court was having no jurisdiction over the matter then it was under obligation to have returned the plaint to the applicant in terms of Order VII Rule 10 C.P.C to be presented before the Court having jurisdiction for its disposal according to law. The rejection of the plaint for want of jurisdiction by learned Trial Court was not justified. So was the case with the order of learned Appellate Court. In these circumstances, the orders of learned Trial Court and that of learned Appellate Court are set-aside with direction to learned Trial Court to return the plaint to the applicant to be presented before the Court having jurisdiction.

6. The instant civil revision application is disposed off accordingly.

JUDGE