

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No.D-6159 of 2020

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Arshad Hussain Khan

Wali Ullah Khan.....Petitioner

Versus

Vlth Additional & Sessions Judge
Central, Karachi & another.....Respondents

04.12.2020

Mr. Zamir Ahmed Kalhoro, Advocate for the Petitioner.
Mr. Hakim Ali Shaikh, Addl. A.G. Sindh.

Muhammad Ali Mazhar, J: The counsel for the petitioner argued that Summary Suit No.29/2016 was decreed on 28.11.2017 against SME Business Solutions (Pvt.) Limited arrayed through its Chief Executive Waliullah Khan. The execution application No.03/2018 was filed. The learned counsel pointed out page 53 which is an application for de-blocking the CNIC of the petitioner and he also referred to the statement available at page 41 in which he agreed to pay the decretal amount through instalments but the application is pending in the executing court. Obviously for the satisfaction of the decree, the execution application is already pending and the writ petition for challenging the execution proceedings is not maintainable and the proper measure is to approach the executing court where necessary order may be passed. When we asked the learned counsel for the petitioner whether any appeal was filed to challenge the judgment and decree, he informed us that the petitioner has not filed any appeal but in the execution proceedings NBW has been issued, therefore, he

approached the court. If the petitioner wants to satisfy the decree through payment in instalments, it is the executing court which will decide the matter. The learned Additional A.G. Sindh waives notice. He is also of the view that the writ petition is not maintainable. At this juncture the learned counsel for the petitioner submits that at least some directions may be issued to the trial court to decide his pending application to consider the request of making payments in instalments. The petition is disposed of with the directions to the executing court to decide the pending application of the petitioner after hearing the parties within fifteen days' time.

Judge

Judge

Asif

