ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.D-8065/2019

Date Order with signature of Judge

- 1. For hearing of CMA No.13115/2021
- 2. For hearing of CMA No.13743/2021
- 3. For hearing of CMA No.13740/2021
- 4. For order on MIT-II Report dated 04.10.2021 and second Report of same date.

05.10.2021

- Mr. Abdus-Salam Memon advocate for petitioners.
- Mr. Ali Asadullah Bhullo advocate for respondent.
- Mr. Arshad Khan Tanoli advocate for applicant.
- Mr. Muhammad Nishat Warsi DAG.

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- (2 & 3): Heard learned counsel for applicant who has preferred application under section 12(2) CPC and another application under order XXXIX rules 1 and 2 CPC, mainly on the ground that judgment in question passed on 26.04.2021 is based on misrepresentation. He has emphasized over order dated 04.11.2015 passed in CP No.D-764/2014 as well judgment dated 18.12.2017 in CP No.D-3525/2016 while contending that this court was not aware about the pendency of these decisions passed by this court in earlier round of litigation and facts were not properly placed before this court; that though judgment passed by this court is subjudiced before the apex court, same may be set aside on the plea of misrepresentation.
- 2. After hearing learned counsel for the applicant, we have examined the judgment passed by this court in this CP No.D-8065/2019 which was allowed. Suffice to say that factual aspects and earlier orders were in the knowledge of the petitioner and properly mentioned in the memo of present petition, hence this is not a case of concealment of facts therefore it cannot be termed that this

judgment is passed by twisting the facts. Accordingly, applications under section 12(2) CPC and under order XXXIX Rules 1 and 2 CPC are dismissed.

3. Learned counsel for respondents contends that Board Meeting is expected on 11th of this month and they will consider the case of the petitioners within the spirit of judgment passed by this court.

Accordingly to come up on 03.11.2021.

JUDGE

JUDGE

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