

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No.D-5947 of 2021

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Date

Order with Signature(s) of Judge(s)

**Fresh case:**

- 1.For order on office objection No.18.
- 2.For order on Misc. No.25072/2021.
- 3.For hearing of main case.

**13.12.2021**

Mr. Syed Sibtay Hasan, Advocate for Petitioner.  
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Through instant petition, the petitioner seeks direction to respondents No.1 &2 (IIIrd Senior Civil Judge Central at Karachi and XIth Senior Civil Judge Central at Karachi, respectively) to take action after allowing the execution application and direction to respondent No.3 (Director General KDA) to transfer property bearing Plot No.SB-03, Sector 5-D, Surjani Town, admeasuring 401.85 Sq. Yds. on his name.

Learned counsel contends that the petitioner filed civil Suit No.887/2012 before respondent No.1, which was decreed in his favour as prayed vide judgment and decree dated 09.11.2018; thereafter, the petitioner filed Execution Application No.1/2019 which was also allowed by the respondent No.1 vide order dated 19.8.2019; however, the judgment has not been implemented till today.

Perusal of the record shows that the petitioner's aforesaid civil Suit was decreed with the following prayers:-

- a. Judgment and decree against the defendants in sum of Rs.3,688,637/-*

- b. Attachment and sale of the movable and immovable properties of the defendants for the recovery of the amount prayed.*
- c. Cost of the finds and liquidated damages on the suit amount from the date of default until realization of the entire decree amount.*
- d. Cost of the suit.*
- e. Such further reliefs as the nature and the circumstances of the case may require.*

Perusal of the above shows that neither petitioner prayed for transfer of any immovable property in his favour nor any such decree has been granted by the trial Court to him. Moreover, the executing Court has power to execute the alleged decree under the relevant provision of Order XXI C.P.C. hence, this petition being devoid of any merits is dismissed in limine, alongwith pending application (if any) leaving the petitioner at liberty to approach the relevant forum for the redressal of his grievance; if any, if so advised.

JUDGE

JUDGE