IN THE HIGH COURT OF SINDH, KARACHI

Present:
Justice Ahmed Ali M. Shaikh, CJ
Justice Yousuf Ali Sayeed, J

CP No.D-13 of 2020

Priority

1. For hearing of Misc. No.61/2020
2. For hearing of main case

Date of hearing: 20.12.2021

Mr. Muhammad Sadiq Hidayatullah, Advocate for the petitioner.
Syed Masood Ahmed Shah, Advocate for the respondent No.1.
Mr. Abdul Jalil Zubedi, AAG

Order

AHMED ALI M. SHAIKH, CJ.- Petitioners assail the order dated 25.09.2019 passed by the District Judge/Model Civil Appellate Court, Thatta, in Civil Revision Application No.12 of 2019, preferred by the Respondent No.1 Decree Holder, whereby the revisional Court while allowing the Revision remanded the matter to the learned Senior Civil Judge, Sujawal to decide the Execution Application No.11 of 2017 on merits.

2.   At the very outset, learned counsel for the Respondent No.1 pointed out that after remand by the Revisional Court, the executing Court vide order dated 21.12.2019 allowed the Execution Application as per decree dated 04.04.2002 and against the said order, which has attained finality, the Petitioners have not preferred any Appeal/Revision before the concerned forum. The learned counsel for the Petitioners could not controvert the above position.

3.   We have heard the learned counsel for the Petitioners, Respondent No.1 and perused the material available on record. Admittedly, against the remand order passed by the learned District Judge/Model Civil Appellate Court, Thatta, in aforementioned Civil Revision, the Petitioners preferred the instant Petition while after remand the Executing Court, after hearing the counsel for the Respondent/Decree Holder and legal heirs of Petitioner No.3 allowed the execution application vide order dated 21.12.2019. However, against the said order of executing Court, that has attained finality no Appeal/Revision was filed by the Judgment Debtor. Accordingly, instant petition alongwith pending misc. application has become infructuous and is dismissed accordingly.

Chief Justice

Judge