

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Revision No. S – 23 of 2002

Date of hearing	Order with signature of Judge
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Application in disposed of matter

For hearing of CMA No.618/2012

27-08-2021

Mr. Sikandar Sadar, Advocate, holding brief for Mr. Khan Muhammad Sangi, Advocate for the applicant.

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This application has been filed under Section 12(2) CPC for recalling / setting aside of order dated 24-09-2012, whereby this Revision Application was disposed of on the basis of statement agreed upon by the respective parties. On the face of it, the 12(2) CPC application in this Civil Revision is not maintainable as the matter has not been decided on merits by this Court, and such application, if any, ought to have been filed before the Court which has passed the judgment and decree. Notwithstanding this, in the application itself, it has been stated that the applicant that he had approached the Appellate Court by way of an application under Order I Rule 10 CPC to be joined as intervenor, which was dismissed and no further remedy was availed. This reflects that the applicant of this application was aware of some proceedings and ought to have been filed a 12(2) CPC application before the Trial Court. In these circumstances, this **application** is misconceived and is hereby **dismissed**.

J U D G E

Abdul Basit