

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

C. P. No.D — 336 of 2020.

DATE	ORDER WITH SIGNATURE OF JUDGE[S]
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20.04.2022.

FOR HEARING OF MAIN CASE.

Mr. Muhammad Aslam Sipio Advocate for petitioner.

Mr. Muhammad Humayoon Khan D.A.G.

Mr. Nazar Muhammad Memon A.P.G. Sindh.

Respondent No.1 Gul Hassan present in person.

This petition primarily pertains to an issue which was taken up by the Consumer Court, aggrieved of it, the petitioner being Sui Southern Gas Company Limited has invoked the jurisdiction of this court that the Consumer Court is unlawfully exercising its jurisdiction over a dispute in question.

Learned counsel for petitioner submits that the Gas theft now being dealt with under the Act of 2016, and the matter ought to have been adjudicated by the Utility Court and the jurisdiction of it is assigned and vested with District & Sessions Judge.

Previously, learned counsel has moved an application under order VII rule 11 CPC for the rejection of the plaint, however, it was dismissed. Hence the petitioner has filed this petition for the redressal of their grievances. It is the case of the petitioner that the respondent No.2 did not take into consideration the Gas Theft Control and Recovery Act 2016, and is continuing with the proceedings as if it had jurisdiction.

Be that as it may, learned counsel further submits that since the jurisdiction is now vested with the District & Sessions Judge, he will be moving an application under order VII rule 10 CPC for return of plaint to be presented before the court having jurisdiction.

In case, such application is moved, it is expected that the Presiding Officer of the Consumer Court shall decide the same strictly in accordance with

law by taking the Judgment of Division Bench of this Court passed in C.P. No.D-2507 & 2508 of 2019, into consideration whereby in pursuance of Sindh Consumer Protection Act 2014, the directions were given to remit the case to the court of learned District Judge having jurisdiction to try the case. It is further expected that the order shall be passed after hearing the parties in accordance with law.

The petition in view of the stands disposed of.

JUDGE

JUDGE

A.