

**IN THE HIGH COURT OF SINDH,  
AT KARACHI**

**C. P. No. D-3000 of 2022**

**Present:**

Ahmed Ali M. Shaikh, CJ  
and Yousuf Ali Sayeed, J

Petitioner : Mrs. Ghazala Anjum through  
Waqarullah Korejo, Advocate.

Respondents : Nemo.

Date of hearing : 17.05.2022.

**ORDER**

**YOUSUF ALI SAYEED, J.** - Professing to be a bona fide purchaser of Bungalow No.R-372, Block-R, in Project Al-Hira New City, situated at Sector 35-A, KDA, Scheme No.33, Karachi, admeasuring 120 sq. yards (the “**Property**”), the Petitioner had apparently filed an Application under Section 12 (2) CPC before the Court of learned 1<sup>st</sup> Senior Civil Judge, Malir, Karachi, impugning the judgment entered on 15.01.2018 in Civil Suit No.339/2014, decreeing the claim of the Respondent No.4 (i.e. the plaintiff) for specific Performance of a Sale Agreement in respect of the Property as against the Respondent No.5 (i.e. the defendant).

2. The Application under Section 12 (2) CPC came to be dismissed for non-prosecution on 27.09.2021, with the Petitioner then moving an Application for restoration, which was in turn dismissed on 21.03.2022. Against that dismissal, the Petitioner has apparently filed Civil Revision No.27/2022, which remains pending before the learned District & Sessions Judge, Malir, Karachi.

3. On query posed with reference to the Office Objection as to how the instant Petition was maintainable under the circumstances, learned counsel for the Petitioner was unable to offer any cogent explanation, but sought to argue the case of the Petitioner in relation to the Property on merits and invited attention to the main prayer advanced in the matter in hand, seeking suspension of the order made in Civil Execution No. No.26/2018, emanating from the aforesaid Suit, whereby the request that the Property be vacated with police aid was allowed. Needless to say, with the present Petition having arisen in the manner aforesaid, the scope thereof is circumscribed accordingly and does not extend beyond the ambit and purview of the order dated 21.03.2022, which is itself the subject of the pending Revision.
4. As such, the case of the Petitioner is to be considered and adjudicated in that proceeding and it would be in the fitness of things that the Petitioner pursue the same accordingly. That being so, the approach to this Court under the Constitutional Jurisdiction is misconceived.
5. Under the given circumstances, we are of the view that the instant Petition is not maintainable. Hence while granting the request for urgency, we dismiss the Petition *in limine* along with other pending miscellaneous applications.

JUDGE

CHIEF JUSTICE

Karachi.  
Dated: