

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

1st Appeal No.61 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Fresh case

1. For order on CMA No.1878/2022 (Urgent).
2. For orders on CMA No.1879/2022 (condonation of delay).
3. For order on office objection a/w reply as at "A".
4. For order on CMA No.1880/2022 (Exemption).
5. For hearing of main case.
6. For order on CMA No.1881/2022 (stay).

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Dated 28.06.2022

Mr. Muhammad Ashraf Samoo, Advocate for the Appellant.

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1. Urgency granted.
- 2-6. Learned counsel on the count that an execution application was allowed without hearing, the appellant is not borne out of the facts of the case, as a summary suit was decreed and in consequence of such decree the execution application was filed wherein the appellant was judgment-debtor. He has further stated that an application under Section 12(2) CPC has already been filed which was not taken into consideration. Be that as it may, these execution proceedings under Order XXI CPC are independent as being steered by the executing court alone. Application under Section 12(2) CPC is to be heard by a Judge who has passed a decree which, if pending, is liable to be heard independently in accordance with law. No interference as such is required by this Court in this First Appeal that concerns with the impugned order dated 01.04.2022 of the executing court. The instant Appeal being misconceived is dismissed along with pending applications.

JUDGE

JUDGE

Ayaz Gul