

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-4443 of 2022

Date	Order with signature of Judge
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FRESH CASE

1. For orders on Misc. No.18946/2022.
2. For orders on Office Objection No.12 & 18.
3. For orders on Misc. No.18947/2022.
4. For orders on Misc. No.18948/2022.
5. For hearing of main case.

02.08.2022.

Mr. Muhammad Haroon Shaikh, Advocate for the Petitioner.

1. Urgency granted.
2. Deferred.
3. Granted subject to all just exceptions.

4&5. The Petitioner alleges that the Private Respondents had unlawfully dispossessed her mother from certain ancestral property and have commenced construction thereon without obtaining requisite approvals, hence seeks that directions be issued to the Official Respondents for the same to be demolished.

However, from a perusal of the pleadings and documents annexed, it transpires that the Petitioner's mother had earlier filed Suit No.638 of 2016 before this Court on the Original Side in respect of her dispossession from the same land, inter-alia seeking a declaration of title, cancellation of forged and fabricated title documents and permanent injunction to restrain the creation of a third party interest. The plaint in that matter came to be rejected by a learned Single Judge on grounds of limitation vide an order dated 12.08.2020, which was then assailed through High Court Appeal No.180/2020. That Appeal remains pending and an examination of the Memo reflects the present Petitioner to be one of the several Appellants.

As such, it is apparent that under the garb of unauthorized construction the Petitioner has sought to invoke the Constitutional jurisdiction of this Court with ulterior motive, and for an oblique purpose. Under the circumstances, the Petition stands dismissed in limine, along with the pending miscellaneous application.

JUDGE

JUDGE

MUBASHIR