

HIGH COURT OF SINDH, AT KARACHI

C.P. No.D-2255 of 2014

Before:
**Mr. Justice Irfan Saadat Khan &
Mr. Justice Nadeem Akhtar**

Date of Hearing: 29.04.2014.

Ms. Shaheen Fatima, Advocate for the petitioner.

ORDER

IRFAN SAADAT KHAN, J:- This Constitutional Petition has been filed with the following prayer:

- a) *Directed to the Respondent No.7 to restrained the Respondent No.2, 3 & their ghunda elements not to create harassment, mental torture and agony to the Petitioner and her family members and also restrained them from issuing threats to the Petitioner for killing as well as dire consequences, in any manner whatsoever in nature.*
- b) *Directed to the Respondent No.4 not to pass any order or direction in respect of Status Quo in Civil Suit No.764/2013 against the Petitioner /Intervener till the evidence of the Civil Suit No.764/2013, and proceed the Civil Suit No.764/2013 according to the norms of justice.*
- c) *Any other or further order which this Honourable Court may be pleased to deem fit and proper under the circumstances of the case.*

2. Briefly stated, the facts of the case are that the petitioner claims herself to be a legal and lawful owner of plot No.L-481, Sector 5-C-3, 80 square yards, North Karachi, Karachi. It is claimed that the said property was in the name of mother of the petitioner namely Jannat Bibi, who expired on 12.04.2008 and thereafter the property was transferred in her name through Transfer Order dated 21.01.2014 by the Land Management, City District Government, vide Transfer Order's Dispatch No.178/2014. It is stated that the petitioner started some construction work on the property

however police officials of Khawaja Ajmir Nagri Police Station restrained the petitioner from raising such construction on the ground that some suit has been filed against the petitioner by the respondents No.2 & 3 in Civil Suit No.764/2013, wherein some restraining orders have been passed. The petitioner when enquired came to know that she is not a party in the said suit. Thereafter the petitioner moved an application under Order 1 Rule 10 CPC read with Section 151 CPC before the learned Judge, before whom the said suit is pending, wherein an order was passed on 16.04.2014 whereby the parties were directed to maintain status quo. The petitioner also filed an application under Section 151 CPC before the learned Judge for verification of the documents. However, the present petition has been filed on the ground that the police officials with the connivance of private respondents are constantly harassing the petitioner. She has further requested to give direction to the concerned learned Judge not to pass any adverse order against the petitioner.

3. Ms. Shaheen Fatima, Advocate has appeared on behalf of the petitioner and has reiterated the above facts and states that the petitioner apprehends that due relief would not be given to her by the concerned learned Judge and that protection may be given to the petitioner.

4. We have heard the learned counsel at some length and have perused the record. We specifically asked a question from the learned counsel that if the petitioner is not satisfied that due relief will be given to her by the concerned learned Judge whether she has filed any transfer application, to which she candidly replied in negative. We further asked the learned counsel that whether the petitioner has given any written application to the concerned SHO against the harassment caused to her by the respondents No.2 & 3, again her answer was in negative. We, therefore, in view of the circumstances, are of the view that this petition is not maintainable since adequate remedy, by either filing a transfer application or making a

complaint against the harassment caused to the petitioner by the private respondents, is available to her, which relief admittedly has not been availed by the petitioner. This petition thus is found to be devoid of any merit and is accordingly dismissed in limine alongwith the pending application.

Above are the reasons of our short order dated 29.04.2014.

JUDGE

JUDGE