

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.NO.D-7126 of 2015

Date	Order with signature of Judge
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13.11.2015

Mr. Sohail Hameed, Advocate for the petitioner

It appears that the petitioner had earlier filed a petition bearing No.D-4342 of 2015, which we had dismissed vide order dated 22.9.2015 by observing that the same is misconceived being premature, as no final order had been passed in the matter. The petitioner has once again filed instant petition in respect of the same issue on the ground that before passing of the order dated 22.9.2015, the respondent No.2 had already reserved the matter for Exparte Judgment on 8.7.2015, which according to the petitioner is against the law and the orders of this Court.

After having heard the Counsel at some length and on perusal of the record, we do not see, as to how a second petition could be competent on the same issue; when we have already dismissed the earlier petition, whereas, if any order is passed exparte, the same is subject to appeal/further remedy in accordance with law. Moreover, the petitioner instead of responding to the notices issued by respondent No.2 had filed the earlier petition, in which there was no restraining order, therefore, proceedings before respondent No.2 including passing of an Exparte order, at this stage cannot be held to be against the law or order of this Court, by us while exercising writ jurisdiction.

Consequently, we do not find any substance in the instant petition, which is accordingly hereby dismissed in limine, with the observation that considering the facts of instant case and as a matter of sheer indulgence, we have shown restraint by not imposing heavy cost on the petitioner.

Petition stands dismissed in limine.

JUDGE

JUDGE

