ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP.No.S-1292 of 2019.

Date Order with signature of Judge

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1. For hearing of CMA No. 5109 of 2020.
2. For hearing of CMA No. 5110/ of 2020 (U/S 12(2) R/w 1 R 10 and Sec. 151 CPC.

11th December 2020.

Mr.Mujtaba Sohail Raja, advocate for petitioner.
Mr. Farhatullah, advocate for respondent No.3.
Mr. Muhammad Saleem Mangrio, advocate for applicant/intervener.

Instant petition was disposed of by order dated 02.11.2020 whereby after hearing the parties at length this Court ordered that:-

> "6. At this juncture petitioner is ready to evict the premises and also ready to pay 50% rent to respondent No.3 with understanding that he will not pursue any remedy against respondent No.3. Petition is disposed of. In case petitioner failed to vacate the premises executing court would be competent to ensure such eviction."

Through listed application under Section 12(2) CPC [CMA No. 5110 of 2020] learned counsel for the applicant contends that she was not party in the proceedings at the trial, hence, filed application under Section 12(2) CPC before the trial Court, that was dismissed then preferred FRA wherein ad-interim order is operating, therefore, findings of this court will influence such proceedings. Needless to mention that scope of Section 12(2) is that if any order is passed without jurisdiction, misrepresentation or fraud, thus, that is not available by the ground as raised to disturb the findings of this Court. Accordingly, instant application is dismissed alongwith other pending application(s).

J U D G E

SAJID