

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P No. D-1134 of 2023

Dated Order with signature of Judge.

Fresh case

1. For order on Misc. No.5373/2023
2. For order on office objection No.33
3. For order on Misc. No.5374/2023
4. For order on Misc. No.5375/2023
5. For hearing of main case.

27.02.2023

Syed Muhammad Akbar, Advocate for the Petitioner

YOUSUF ALI SAYEED, J.- The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, seeking to impugn the Order dated 20.01.2023 made by the Xth Senior Civil Judge, Karachi, East, so as to allow Civil Execution Application No.5 of 2022 filed by Respondent No.1 for enforcement of the Decree dated 11.01.2022 passed by that Court in Civil Suit No. 674 of 2014, with the office being directed to issue a writ of possession against the Petitioner and other Judgment Debtors for handing over the possession of the suit property viz. Plot No.A-42, Sector 6-1, Mehran Town, Korangi Industrial Area, Karachi, admeasuring 240 square yards, to the Decree Holder.

Apparently, whilst Civil Appeal No.124 of 2022 has been filed against the underlying Judgment and Decree, it was conceded by learned counsel for the Petitioner that no Order of stay has been forthcoming in the matter. Furthermore, when called upon to demonstrate how the Order made by learned Senior Civil Judge Civil Judge on the Execution Application could be assailed directly before this Court in the Constitutional jurisdiction whilst bypassing the remedy otherwise available under the Code of Civil Procedure, learned counsel for the Petitioner was again found wanting.

Under the given circumstances, we are of the view that the Petition is misconceived, hence while granting the application for urgency we hereby dismiss the Petition in *limine* along with the other pending miscellaneous applications.

JUDGE

CHIEF JUSTICE