

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-5405 of 2022

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on CMA No.5457/2023.
2. For orders on Misc. No.23128/2022.
3. For orders on Misc. No.23129/2022.
4. For hearing of main case.

28.02.2023.

Syed Saeed Hassan Zaidi, Advocate for the Petitioner.

YOUSUF ALI SAYEED, J. - The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, impugning the Order dated 29.08.2022 made by the learned Additional District Judge-IX, Karachi, South, dismissing Civil Revision Application No.11/2022 filed by the Petitioner against the earlier Order passed by the learned 1st Senior Civil Judge, Karachi, South on 07.12.2021 in Execution Application No.04/2020 emanating from Civil Suit No.1006/2012, whereby his Application under Section 12 (2) CPC was dismissed.

2. The backdrop to the matter is that the aforementioned Suit had apparently been filed by the Respondent No.1 in respect of a Flat bearing No.603, 6th Floor, Marine Drive Apartment, Block-02, Clifton, Karachi, which she claimed to have purchased from the Respondent No.2, being the Developer, which was decreed *ex-parte* against the Petitioner, directing him to handover possession thereof within thirty days.

3. A perusal of the Application filed by the Petitioner under S.12(2) CPC reflects the same to be perfunctory, and bereft of material particulars as to any act(s) of omission or commission on the part of the Respondent No.1 constituting fraud or misrepresentation. Indeed, the Application does not even specify which Order it seeks to impugn, with a blank space being left where the date ought to be.

4. When confronted as to those deficiencies, learned counsel merely stated that a junior advocate had been representing the Petitioner at the time. Needless to say, that scarcely serves as a satisfactory explanation. Even otherwise, the crux of the case advanced on behalf of the Petitioner before the fora below appears to have gravitated around an assertion as to irregularity in service, which, indeed, is the only point that was essentially sought to be advanced before us at the present stage. This aspect appears to have been properly considered by the lower Courts and we see no perversity or illegality afflicting the findings recorded in that regard.

5. That being so, while granting the application for urgency we hereby dismiss the Petition along with the other pending miscellaneous applications.

JUDGE

CHIEF JUSTICE

MUBASHIR