

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**

**C.P No. D-910 of 2023**

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Dated                      Order with signature of Judge.

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**Fresh case**

1. For order on Misc. No.4267/2023
2. For order on office objection No.01, 11 & 19
3. For order on Misc. No.4268/2023
4. For order on Misc. No.4269/2023
5. For hearing of main case.

**15.02.2023**

Mr. Saith Ali Baloch, Advocate for the Petitioners

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**YOUSUF ALI SAYEED, J.-**      The Petitioners have assailed the proceedings in Execution No.08 of 2017 emanating from Suit No.168 of 2016 before the learned Senior Civil Judge-III, Karachi East and have prayed that orders be passed for cancellation of the auction / bid on immovable property bearing No. L-20, Sector 35-C, Raza Colony, Korangi No.3-1/2, District East, Karachi, as well as for re-auction of that property while awarding damages of Rs.5,00,00,000/- as against the previous bidder.

Having considered the mater we have observed that no specific order(s) pertaining to the bid has/have been assailed, nor can such order be directly assailed through the Constitutional jurisdiction of this Court especially without availing the remedies

otherwise prescribed in terms of the Code of Civil Procedure. Indeed, at the time of filing of the Petition, the office had raised an objection as to maintainability, as the orders passed in the underlying proceeding would be amenable to the revisional jurisdiction under Section 115 CPC. On query posed, no plausible explanation as to maintainability of Petition was forthcoming. Furthermore, as it stands, the only Order that has been impugned is one dated 29.10.2022, which merely contemplates the distribution of the auction proceeds to the parties in accordance with their respective shares. Learned counsel for the Petitioner was at a loss to demonstrate how that Order could of itself be prejudicial when the earlier proceeding building up to that point had not been assailed, nor was he in a position to make any definite statement as to what proceeding had in fact ensued.

Under the circumstances, we are of the view that the Petition is misconceived, hence while granting the application for urgency we sustain the office objection and dismissed the Petition in *limine* along with other pending miscellaneous applications.

JUDGE

CHIEF JUSTICE