

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No.D-5051 of 2023

Fayaz Khan

Versus

Abdul Ghaffar & others

Date	Order with signature of Judge
------	-------------------------------

1. For orders on CMA 24760/23
2. For orders on office objection No.19.
3. For orders on CMA 23108/23
4. For orders on CMA 23109/23
5. For hearing of main case.

Dated: 08.11.2023

Mr. Zakir Hussain Khaskheli for petitioner.

-.-.-

Heard the counsel.

In a suit bearing No.290 of 2016 filed before Senior Civil Judge Malir, a decree was passed on 20.09.2017; a challenge was thrown by moving several applications, such as Section 12(2) CPC, Order XXI Rule 26/29 CPC and Order I Rule 10 CPC, all of which were dismissed. Petitioner then preferred Revision Application No.22 of 2021 in relation to Section 12(2) and Order I Rule 10 CPC, which too was dismissed. Consequently this petition, which in any case is not a remedy, in view of above.

Petitioner for the purposes of establishing fraud has attempted to disclose an agreement of sale dated 20.02.2005 with someone called Soomar to whom a sublease was executed by partners of Simra Corporation, but no performance sought since 20.02.2005, whereas plaintiff of the suit (respondent No.1 herein) sought performance of an agreement against M/s Rafi Mateen Builders. Performance granted vide decree, which was challenged, as referred above.

No ground for fraud urged, which could satisfy the Courts below which performed/exercised jurisdiction vested in them. Intervention on the strength of mere a sale agreement, whose performance is also hanging in the ropes of limitation, cannot be permitted. Instant High Court Appeal as such is dismissed along with listed applications.

Judge

Judge