

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

Constitutional Petition No. D-5106 of 2016

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Date: Order with signature(s) of the Judge(s)

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1. For order on CMA No. 9701/2023 (Intervener)
2. For order on CMA No. 30065/2022 (Intervener)
3. For order on CMA No. 35322/2022 (Intervener)
4. For hearing of main case

**27.04.2023**

None for the petitioner.  
Respondent No.1 Zafar Abbas in person.  
Mr. Muhammad Naqash, Advocate for the intervener.  
Mr. Miran Muhammad Shah, Addl. A.G.

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Petitioner and his counsel are called absent, no intimation is received. On the previous several dates of hearing also, nobody has shown appearance on behalf of the petitioner. Learned counsel for the proposed intervener, who has filed application U/O 1 Rule 10 CPC being CMA No. 30065/2022, submits that the instant petition is misconceived and is not maintainable, wherein certain allegations have been leveled against proposed intervener while showing respondent No.1 as representative of M/s Saima Builders & Developers and have deliberately not impleaded proposed intervener as party, who has acquired right and title in respect of land adjacent to Haji Ahmed Arfani Village and the proposed intervener has nothing to do with the controversy agitated through instant petition. Respondent No.1 present in person has also denied the allegation as leveled in the instant petition and submits that the petitioner has no right and title whatsoever over the subject land and has been selling plots illegally to the individuals and through instant petition, petitioner is seeking protection to his illegal acts. Learned AAG has also raised objection as to maintainability of instant petition on the ground that the petitioner has not placed on record any title documents of the subject land, nor he has been able to show his locus standi to file instant petition, whereas, relevant relief being sought through instant petition is based on seriously disputed facts,

which cannot be granted under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

Heard respondent No.1 in person, learned counsel for the proposed intervener and learned AAG and perused the record with their assistance and orders passed in the instant matter, whereby, the petitioner was directed to satisfy the Court on the maintainability of instant petition. Claim of the petitioner is seriously disputed by the respondents and prima facie there is no document on record to support the contention of the petitioner with regard to any right and title over the subject land. Accordingly, instant petition is dismissed alongwith listed applications, however, the petitioner is at liberty to approach relevant forum for redressal of his grievances, if any, in accordance with law.

**J U D G E**

**J U D G E**

Imran / P.A