

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**Constitution Petition No.D-2384 of 2024**

Mst. Musarrat Fatima and others  
Versus  
Zeeshan Shamsi and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Fresh Case

1. For order on Misc. No.10946/2024 (Urgent/App).
2. For order on Misc. No.10947/2024 (Stay/App).
3. For hearing of main case.

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**Dated 20.05.2024**

Syed Murtaza Haider, Advocate for petitioners.

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- 1) Urgency granted.
- 2-3) In pursuance of a preliminary decree, a property was put to auction through a sale proclamation and the discretion vests with the Court either to except the offer or otherwise.

It is petitioners’ case that they were sole bidders who proposed the bid and Nazir submitted his report. The bid, as offered, was not accepted by the learned Judge and the matter was posted for fresh proclamation and auction accordingly. The order was challenged in civil revision application No.187/2023, however, with no consequence as far as the petitioners’ alleged rights are concerned.

This petition has been filed under Article-199 of the Constitution of the Islamic Republic of Pakistan to invoke the jurisdiction of this Court. At the very outset, we are not the appellate court or the revisional court. The two forums below have exercised their jurisdiction and discretion vested with it. Neither any jurisdictional error nor any constitutional flaw is pointed out. The proclamation of sale provides a discretion to the learned Judge to accept it or otherwise, which the learned court did. The property

is now kept for a fresh process of auction. The appellant and any other legal heir may participate in it and match it, as required in terms of scheme of Order-XXI CPC.

The petition merits no consideration and is dismissed along with listed application(s).

JUDGE

JUDGE

Ayaz Gul