

THE HIGH COURT OF SINDH KARACHI

Present:
Mr. Justice Adnan Iqbal Chaudhry &
Mr. Justice Jawad Akbar Sarwana.

C.P. No. D - 3877 of 2024
[Muhammad Arif & others v. Province of Sindh and others]

Petitioners : Muhammad Arif son of Muhammad
Yousif and others through Mr. Aneel
Kumar Sharma, Advocate.
Date of hearing : 30-08-2024
Date of order : 30-08-2024

ORDER

Adnan Iqbal Chaudhry J. - 1] Urgency granted. 3] Exemption granted
subject to all just exceptions.

2, 4-5] The Petitioner is aggrieved of order dated 27-04-2024 passed by the
Additional District Judge, Thatta in Civil Revision No. 09/2023 upholding
the order of the Senior Civil Judge, Thatta in Suit No. 181/2015, dismissing
the application of the Petitioners under Order VII Rule 11 CPC.

The ground taken by the Petitioners for rejection of plaint of Suit No.
181/2015 was that of Order II Rule 2 CPC. It was contended that the
Respondent No.12, one of the Plaintiffs of said suit, had earlier filed Suit
No. 19/2003 upon the same cause of action, which was decreed vide
judgment dated 21-12-2009 *albeit* that decree is in question under section
12(2) CPC filed by the Petitioner. However, after having going through the
plaint of Suit No. 181/2015, it appears that such suit is on a subsequent
cause of action. The primary relief sought therein is one of cancellation of
an entry made in the record of rights in the year 2015, i.e. subsequent to Suit
No. 19/2003 and the judgment passed therein in 2009. That being so, there
is no reason to interfere with the orders passed by the Courts below.
Therefore, the petition is dismissed in *limine* alongwith pending
application.

JUDGE

JUDGE

SHABAN*