

THE HIGH COURT OF SINDH KARACHI

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

C.P. No. D - 3822 of 2024
[Azeem Ahmed v. Kaleem Ahmed and others]

Petitioner : Azeem Ahmed son of Noor
Muhammad through Mr. W.R. Sheikh,
Advocate, a/w Ms. Afshan Rani,
Advocate.
Date of hearing : 29-08-2024
Date of order : 29-08-2024

ORDER

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

2&4] This constitution petition emanates from an order dated 06.03.2023
passed by the Senior Civil Judge in Suit No. 225/2019, dismissing the
Petitioner's/Plaintiff's application under section 151 CPC which prayed
appointment of a Commissioner to take accounts and make inquiries into
the assets of the school running on the suit property in a suit filed for its
accounts. Civil Revision No. 57/2023 against that order too was dismissed
by order dated 31.01.2024.

The orders impugned are essentially to the effect that where the
Petitioner/Plaintiff has yet to lead evidence on the issues settled in the suit
to prove that he has a case for accounts, the appointment of a
Commissioner to take accounts would be premature. Learned counsel for
the Petitioner is unable to convince us that such orders are perverse or that
those suffer from any jurisdictional defect. Therefore, there is no reason for
interference in writ jurisdiction. The petition is dismissed in *limine* with a
cost of Rs.10,000/- which shall be deposited by the Petitioner with the
Nazir of the Court in the account of the Medical Clinic of the High Court.

JUDGE

JUDGE

SHABAN*