

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**C.P. No.D-7289 of 2019**

Ablagh-e-Aama Cooperative Housing Society Ltd.  
Versus  
Nasim Shakir Jaffery through his legal heirs and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Present:  
Mr. Justice Muhammad Shafi Siddiqui  
Mr. Justice Omar Sial.

Directions

1. For hearing of CMA No.24276/2023 (151 CPC).
2. For order as to maintainability of petition.

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**Dated 13.02.2024**

Mr. Muhammad Ayub Chaniho, Advocate for the petitioner.

Mr. K.A. Wahab, Advocate for Respondents.

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This petition is filed against the concurrent findings of two courts below.

A suit for performance was decreed by the trial court, which was contested to the extent that a written statement was filed, however, when the execution application was preferred, the petitioner (Defendant No.2 in the suit) came forward and an application under Section-12(2) CPC was filed on the count that proper service was not effected upon him. He submitted through this petition only that it was an incorrect address disclosed in the plaint and hence the application under Section-12(2) CPC ought to have been allowed or at least it may be considered after recording of evidence on the application and should not have been dismissed summarily.

We have heard learned counsel for the parties and perused the material available on record.

The application under Section-12(2) CPC does not demonstrate a case of incorrect address of the petitioner. This is the only ground argued by counsel and application under Section-12(2) CPC is silent on this point. In fact the written statement was filed by the defendant No.2/petitioner and then he kept quiet. The order passed on an application under Section-12(2) CPC was maintained by the Revisional Court and this Court under Article-199 of the Constitution of Islamic Republic of Pakistan cannot reappraise such controversial facts, as this court's jurisdiction is limited. No case of jurisdictional defect is made out.

No point is raised which could enable us to interfere in the orders of the two courts below in relation to an application under Section-12(2) CPC. The petition as such is dismissed along with pending application(s).

JUDGE

JUDGE

Ayaz Gul