

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

H.C.A. No.131 of 2024

Waseem Ahmed

Versus

Mst. Ayesha Fatima Khan & others

Date	Order with signature of Judge
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1. For orders on CMA 815/24
2. For orders on office objection a/w reply as at "A"
3. For orders on CMA 816/24
4. For hearing of main case.
5. For orders on CMA 817/24

Dated: 03.04.2024

Mr. Muhammad Nishat Warsi for appellant.

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Heard the counsel and perused record.

On account of pecuniary jurisdiction the plaint was returned via order impugned in this appeal. The suit for performance was valued at Rs.12.5 Million whereas an exorbitant amount was claimed as damages in the sum of Rs.50 Million. At the very outset, we may observe that none of the prayer clauses of the suit pertain to the relief of damages and the learned Single Judge has rightly observed that there is no prayer for damages.

Be that as it may, by virtue of an order of this Court in the case of M/s Scene Enterprises v. Karachi Metropolitan Corporation & others vide order dated 02.02.2023 (Suit No.141 of 2023), this Court has already observed that the claim of damages has to be in proportionate with the original substantive relief being claimed. The original relief itself was valued by the appellant as Rs.12.5 Million, whereas an exorbitant amount of Rs.50 Million as damages was claimed and that too only for non-performance of the agreement. We are of the view that to invoke the jurisdiction of this Court the claim of damages is exorbitantly enhanced. Based on such analyses the plaint was returned to be filed before the Court having pecuniary jurisdiction.

In view of above appeal merits no consideration and hence the same is dismissed in limine along with listed applications.

Judge

Judge