

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

Suit -1202 of 2024

Date: Order with signature of the Judge

1. For orders on office objection at flag "A"
2. For orders on CMA No.12149/2024
3. For orders on CMA No.12150/2024

04.11.2024

Ms. Siddiqa Nausheen, advocate for the plaintiff

On 02.09.2024, the learned counsel for the plaintiff was put on notice to satisfy the court as to maintainability of suit in view of office objections. The office objections are delineated herein below :

1. *Plaintiff has already filed a Const. Petition No. 4412 of 2021 before this Court which was dismissed in non-prosecution vide order dated 14-02-2023 (Pg. No. 163-167). Plaintiff to satisfy the Court how the instant Suit is maintainable when plaintiff has already sought alternate remedy.*
2. *How the instant suit is maintainable in respect of Section 9 of CPC to determine about the civil nature of the case.*
3. *Valuation of Suit to be corrected in relevant para of the plaint.*
4. *In compliance of Gazt./Circular No./Direction/HC.S.No./2020 dated 21.07.2020 to the effect of filing undertaking that no other remedy in subject Civil Suit / CP on same cause of action is filed/Preferred.*

Today, learned counsel remained unable to satisfy the objections as to maintainability. Learned counsel remained unable to demonstrate entitlement per section 42 of the Specific Relief Act and could not dispel the preponderant bar per Order 2 Rule 2 CPC, therefore, the plaint is hereby rejected.

Judge

Amjad