

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-949 of 2025**

(S. Kaneez Fatima v. Province of Sindh & Others)

DATE: **ORDER WITH SIGNATURE(s) OF JUDGE(s)**

1. For Order on CMA No. 5026 / 2025 (Urgency)
2. For Orders on Office Objection No. 1 to 5, 10 & 11
3. For Order on CMA No. 5027 / 2025 (Exemption)
4. For Hearing of Main Case

7-3-2025

Mr. Syed Farooq A. Shirazi for Petitioner

1. Urgency granted.

2-4. Through this Petition, the Petitioner primarily seeks the revocation of a gift of immovable property that she had previously gifted to her daughters, viz. private Respondents No.6 to 10. Additionally, she seeks to restrain private Respondent No.6 from operating a commercial school on the said property.

Since the Petitioner has already relinquished ownership of the concerned property through the gift, she presently lacks legal standing to challenge the operation of the school on premises that no longer belong to her. Any assertion of rights over the immovable property can only arise if the gift is first revoked. The revocation of a gift necessitates a determination of factual issues and the recording of evidence, which are matters requiring adjudication through civil proceedings. Such matters cannot be adjudicated in a Petition under Article 199 of the *Constitution of Pakistan, 1973*, as constitutional jurisdiction does not extend to disputes requiring a determination of contested facts or the recording of evidence. In short, a Petition under Article 199, is not the appropriate forum for such relief.

In light of the foregoing, the present Petition being misconceived is **dismissed in limine** with costs of Rs.10,000/-, to be borne by the Petitioner's Counsel, as he was duty-bound to properly advise his client on the appropriate forum for seeking the reliefs in question. These costs are to be deposited within twenty (20) days from today in the account of High Court library and the receipt be submitted in the Office.

JUDGE

JUDGE