

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.S-965/2022

Date

Order with signature of Judge

19.12.2022

Mr. Muhammad Siddiq Mirza advocate for petitioner.
Mr. Zahid Farooq Mazari, AAG.

At the outset learned counsel for petitioner is satisfied if this court directs the learned trial court to calculate the value of the amount and execute the decree within the spirit of modification by the appellate court.

2. Needless to mention that executing court is required to proceed as per decree and cannot go beyond it hence executing court shall decide the fate if any interlocutory application is pending with that court with regard to assessment of value within the spirit of the judgment of the apex court as referred by the appellate court as well any other fresh judgment if produced before the trial court.

3. At this juncture learned A.A.G. contends that after referred judgment of the apex court if there is fresh judgment of the apex court having binding effect, in that eventuality, executing court may be allowed to consider the same in accordance with law. Needless to mention that if any fresh order is passed by the trial court and petitioner is aggrieved with it, he will be at liberty to challenge the same.

4. Accordingly, learned District and Sessions Judge, Malir, Karachi, shall withdraw execution application from the 12th Family Judge and transfer the same to any other competent court having jurisdiction.

Disposed of.

IK

For Disposal
For orders on MIT-II Report dt. 2-01-2023

JUDGE