

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Suit No.1508 of 2011

Order with signature of Judge

1. For orders on CMA No.2167/2012 (U/o. 39 Rule 4)
 2. For orders on CMA No.2168/2012 (U/o.7 Rule 10)
 3. For hearing of CMA No.2264/2012 (U/s.3&4 of contempt of Court)
 4. For hearing of CMA No.12452/2011 (U/o. 39 Rule 1 & 2 CPC)
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10.03.2014.

Mr. Khursheed Ahmed Qureshi, Advocate for the Plaintiff.
 Mr. Muhammad Ramzan Tabasum, Advocate for the Defendants No.1 & 2.

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I have examined the plaint as one of the objections raised by the Defendant is that the subject matter of the suit is situated in Jamshoro and this Court has no territorial jurisdiction to entertain a suit on the original side. The Plaintiff has repeatedly referred to two projects of Plaintiff namely Al-Muntazar Garden at Superhighway and Al-Qaim Associates and Developers that is also situated in district Jamshoro. Since admittedly the prayer regarding the declaration about the project of the Plaintiff and restraining orders regarding the activity of the Defendants with reference to the project of the Plaintiff are situated at superhighway within the territorial jurisdiction of District Jamshoro, Plaintiff's case falls within the provisions of Section 16 of CPC which says that suit is to be instituted where subject matter is situated. The counsel for the Plaintiff has insisted that the booking is being conducted by the Defendants at Karachi. However, plaint is silent on this point that the booking of the plots of the project at Jamshoro is being dealt and conducted by the Plaintiff at Karachi even if that be so the position remain that property is situated outside the jurisdiction of this Court.

The suit should have been instituted within the jurisdiction where the property is situated. In this view of the legal position the plaint is returned under Order VII Rule 10 CPC to the Plaintiff for presenting before the Court having jurisdiction, if so desire by the Plaintiff. Suit is disposed of in above terms.

JUDGE

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