

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Constt: Pett: No.D- 516 of 2015.

Date	Order with signature of judge.
------	--------------------------------

- 1.For orders on office objection as flag A.
 - 2.For order on M.A No.2156 of 2015.
 - 3.For order on M.A No..2157/2015.
 - 4.For Katcha Peshi.
-

07.05.2015.

Mr. Habib-ur Rehman Shaikh, advocate for the petitioner.

=====

Admittedly the petitioner is a partner of respondent No.5 in the business of Filling Station at Ratodero Road Shikarpur by the name of 'M/S Agha Filling Station'. The partnership deed between the petitioner and respondent No.5 was executed on 28.12.2011. The petitioner through this petition seeks the following relief:

- “i) That this Honourable Court may be pleased to pass necessary orders directing the defendant/ Respondent No.05 to stop the running of illegal petrol pump and be further pleased to direct the official respondents to take legal action against the respondent No.05 and 06 according to law.
- ii) To direct the respondent No.5 to handover the vacant possession of land to the petitioner to extent of his 50% share and also to make payment Rs.75,00,000/= in words Seventy Five Lacs as amount incurred by the petitioner upon earth filling and construction of petrol pump.”

As per prayer (i), the petitioner himself was running illegal business under partnership with respondent No.5 and 6 and after three years or more he has suddenly realized that it was all

illegal and against the Constitution of the Islamic Republic of Pakistan, therefore, he is seeking directions by invoking Constitutional jurisdiction for the official respondents to take legal action against the respondents. The petitioner has not moved any application to the official respondents for any action against private respondents. In prayer (ii), the petitioner has claimed payment of Rs.75,00,000/= and 50% share in the land which again is a question of fact.

It is very unfortunate that instead of approaching Civil Court for recovery, declaration and possession, the petitioner has invoked Constitutional jurisdiction of this Court to settle his score with his partner, who is a private party. Since the petitioner and all other concerned have remedy available under the law to address their grievance, this petition is dismissed in limine alongwith the listed applications.

JUDGE

JUDGE

shabir