

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**
C.P.No.S-916 of 2014.

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| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For katcha peshi.

07.10.2015.

Mr. Abdul Qayyum Pirzada, Advocate for the petitioner.

Mr. Farhad Ali Abro, Advocate for respondents No.1 to 3.

Mr. Ashfaque Nabi Qazi, Assistant A.G.

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This petition is directed against the order dated 18.10.2014, passed by the Ex-Officio Justice of Peace on the application moved by respondents No.1 to 3, which is reproduced as under:-

“ Applicants have filed this application against 5th Senior Civil Judge, Hyderabad with regard the proceedings of Suit on the ground that the Civil Revision has already been allowed by Honourable High Court of Sindh.

Report was called from concerned Incharge Judge which shows that the proceedings of matter have been closed. Thus, the grievance of applicants has been redressed and application disposed of accordingly.”

The learned counsel for the petitioner is under the impression that the report called by the Justice of Peace from the Senior Civil Judge regarding the order in F.C. Suit No.63/2009, was incorrect because on the date of such order the civil proceedings were pending and the learned Civil Judge has reported that the proceedings have come to an end. However, his such contention is not born from the record. He has not been able to appreciate that the civil revision filed by his client bearing Civil Rev. A. No.264/2012 has been decided by this Court vide order dated 11.11.2013, whereby the remand order of V-Additional District Judge, Hyderabad had been set aside and therefore the judgment dated 14.05.2011, whereby F.C. Suit No.63/2009 has been disposed of exparte against the applicants

was maintained. The order passed by this Court in R.A. No.264/2012 was never challenged before any forum and the proceedings concluded on 11.11.2013, therefore, the report submitted by the Senior Civil Judge was factually correct that the civil proceedings have come to an end.

In view of above, this petition is dismissed having no merit for consideration.

JUDGE

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