

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P.No.D- 188 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

1. For hearing of MA-2372/16
2. For hearing of main case.

14.11.2019.

Mr. Muhammad Sulleman Unar advocate for petitioner.
Mr. Muhammad Ismail Bhutto, A.A.G Sindh
Mr. Farhan Ahmeed Bozdar, advocate for respondents.

=

The facts in brief necessary for disposal of instant petition are that the petitioner by way of making an application u/s 12(2) r/w Section 151 CPC sought for setting aside of judgment and decree dated 05.10.1999 passed by learned Senior Civil Judge, Sanghar mainly for the reasons that; those have been obtained by practicing fraud and making representation of the facts as she was not joined in such suit by either of the party, in order to deprive her of legitimate right of inheritance over the property left by her late father Fateh Muhammad. It was dismissed by learned Senior Civil Judge, Sanghar on 13.11.2012 without framing of issues or recording any evidence and such dismissal was maintained on 26.10.2015 by learned Ist Additional District Judge, Sanghar, those orders now have been impugned by petitioner before this Court to be declared illegal.

At the very outset, learned counsel for the parties were fair enough to consent that they would be having no objection if, the orders impugned are set-aside with direction to learned trial Court to decide the application of the petitioner, which she has moved u/s 12(2) r/w Section 151 CPC afresh after framing of issues and recording of evidence. It is ordered accordingly.

The instant constitutional petition is disposed of in above terms.

JUDGE

JUDGE