

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
CP No.D-2130 of 2020

Date	Order with signature(s) of Judge(s)
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For orders as to maintainability of petition

24.12.2024

Mr. Muhammad Nishat Warsi, advocate for the petitioner
Mr. Ali Safdar Depar, AAG a/w Mehmood ur Rehman, Administrator
Ch. Muhammad Abu Bakar Khalil, advocate for the respondents
No.7,8 & 9

Learned counsel for the petitioner has challenged a show cause notice dated 02nd March, 2020. The petition was dismissed for non-prosecution on 06.05.2022 on the following terms:

“No one is in attendance on behalf of the Petitioner and no intimation has been received. A perusal of the order sheet reflects that similar absence has prevailed on earlier dates and on the preceding date the matter was adjourned with notice of caution in that regard. Thus it appears that the petitioner has lost interest in the matter which accordingly stands dismissed for non-prosecution.”

Thereafter the petitioner filed restoration application (Misc. No.13650/2022). Firstly, we find that the petitioner has not made out any good ground for restoration which has also been opposed by learned AAG and learned counsel for the respondents No. 7,8 & 9. Accordingly, the restoration application is dismissed. Even otherwise, we note that the Hon’ble Supreme Court of Pakistan in the case of *COMMISSIONER INLAND REVENUE and others Versus JAHANGIR KHAN TAREEN and others* (2022 SCMR 92) has held that the High Court should refrain from interfering with the show cause notice in writ jurisdiction as this is a premature stage and would be bypassing remedy provided under the law. We have also noted that the petitioner has already filed a Civil Suit in respect of the matter which is still pending and the petitioner has obtained a stay vide order dated 07.09.2023 in Suit No.811 of 2023 before this Court.

Accordingly, the instant petition alongwith restoration application is dismissed.

Head of Const. Benches

Judge