

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**  
**Const. Petition No. S-1109 of 2024**  
**Const. Petition No. S-1403 of 2024**

Date	Order with signature(s) of Judge(s)
Hearing of Case.	
1. For orders on Misc. No.7432/25	
2. For orders on Misc. No.6598/25	
3. For hearing of main case.	

**17.11.2025.**  
Mr. Bilal Khilji Advocate for Petitioner.  
Mr. Zafar Ali Qureshi, Advocate for Respondent.  
Mr. Ali Zardari, Assistant Advocate General Sindh.

-----  
Since a common question of law is involved in both these petitions, both petitions are being disposed of through this common order.

2. The rent proceedings were initiated by Abdul Qadir, Respondent No. 1 in the instant petition, and vide order dated 31.01.2024, the ejection application under Section 15 of the Sindh Rented Premises Ordinance, 1979 was allowed. During the pendency of the proceedings, an application under Order I Rule 10 CPC was filed by the petitioner before the trial Court on the ground that she may be impleaded as a necessary party. The said application was declined by the trial Court as she was not found to be an appropriate or necessary party. No proceedings were initiated by the petitioner against the order of the trial Court dismissing her application under Order I Rule 10 CPC. Thereafter, an application under Section 12(2) CPC was filed, which was prima facie barred by the principle of election of remedies. Once the petitioner had chosen the remedy of seeking impleadment as a party to the proceedings, she was required to pursue that remedy and challenge the adverse order in accordance with law. By not challenging the said order, the matter attained finality.

Since there is no order seeking ejectment of the petitioner, and the order under challenge was passed against the Mohammad Ameen who is not before this Court, no relief can be granted to the petitioner in terms of Section 12(2) CPC, which speaks of recalling an order on the ground of misrepresentation, fraud, or defect of jurisdiction.

No illegality or infirmity has been pointed out in the impugned order passed by the trial Court, this petition, along with pending applications, being devoid of merit, is dismissed.

The petitioner is already engaged in litigation before the competent court of law, where the issue of title will be determined after affording parties an opportunity of hearing, and shall be adjudicated in accordance with law.

Office to place copy of this order in connected matter.

JUDGE