ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-2222 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on M.A. No.9439/2025.
	2. For orders on office objections.
	3. For orders on M.A. No.9440/2025.
	4. For orders on M.A. No.9441/2025.
	5. For hearing of main case.

19.12.2025

Mr. Aijaz Hussain Jatoi, advocate for petitioner.
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1.   Urgent application is granted.

2to5.   Learned counsel for the petitioner has impugned the order dated 08.12.2025 passed by the Senior Civil Judge-I Jamshoro in F.C. Suit No.219 of 2024 on the basis of report furnished by Commissioner, the operative part of the said order is reproduced as under:

> *"2. I have heard and perused the record. Defendant No.1 submitted his no objection to the Nazir's report and prayed that property may be auction. No objection has been raised by any party in the suit. The record reveals that a decree was passed on 23-07-2025. Subsequently, the Nazir submitted a report, which is available on the record, stating that the suit property cannot be partitioned by metes and bounds. In these circumstances, there is no option except to partition the suit property under Section 2 of the Partition Act, 1893, by way of sale and to distribute the sale consideration among the co-sharers according to their respective proportions. The Nazir is directed to auction the suit property in accordance with the rules, giving preferential rights to all co-sharers to purchase the suit property. There is no order as to costs."*

In view of the above position, since the petitioner has not availed the statutory remedy of filing an appeal / revision against the impugned order before the learned Appellate Court (District Court Jamshoro) and has directly approached this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. The controversy involved in the matter is purely factual in nature, which cannot be adjudicated by this Court in exercise of its constitutional jurisdiction, as such, the petition is not maintainable. Consequently, the petition stands **dismissed** in *limine* along with the listed applications.

JUDGE

JUDGE

Muhammad Danish