

IN THE HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

Constitutional Petition No.S-13 of 2026

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Petitioner: Bhooro Lal Son of Gopal Das,
Through his Special Attorney
Dhanraj Mal son of Gopal Das,
Through Mr. Afzal Karim Virk, Advocate.

Respondents: Vijay Kumar and 05 others.

Date of Hearing: **10.02.2026**

Date of Order: **10.02.2026**

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O R D E R

Muhammad Hasan (Akber), J-: The instant petition is directed against the impugned Order dated 29.03.2025 passed by the learned Additional District Judge-II, Umerkot, whereby the Civil Revision Application, filed by the petitioner/defendant has been dismissed, maintaining the order dated 24.08.2024 passed by the learned Senior Civil Judge-I, Umerkot on application under Order VII Rule 11 CPC.

2. Learned counsel for the petitioner contends that this Court is competent to exercise its constitutional jurisdiction under Article 199 of the Constitution on the ground that both the learned trial Court and the learned Revisional Court failed to exercise jurisdiction vested in them by law while dismissing the application under Order VII Rule 11 C.P.C. He prayed that the petition be allowed and the impugned orders be set-aside.

3. Heard and perused.

4. Admittedly, the petitioner's application under Order VII Rule 11 C.P.C was dismissed by the learned Senior Civil Judge-I, Umerkot vide order dated 24.08.2024 after holding that the plaint discloses a cause of action and that the objections raised by the petitioner involve disputed questions of fact which require adjudication through evidence. Furthermore, the said order was assailed through Civil Revision before the learned Additional District Judge-II, Umerkot, which was also dismissed vide order dated 29.03.2025. The Revisional Court examined the record, framed points for

determination and found no illegality or material irregularity in the order of the trial Court. Record further reflects that the learned trial court has already framed 12 issues for adjudication of the case, which include the points that cover the entire controversy, including the issues of maintainability and cause of action, and both parties will have equal opportunity to produce their respective evidence.

5. Learned counsel for the petitioner has failed to point out any illegality or material irregularity in the impugned order, which has been passed in accordance with law. No case for interference is made out; therefore, the instant petition stands **dismissed** in *limine* alongwith pending application. However, learned trial court is directed to conclude the trial within 60 days from receipt of this order and no unnecessary adjournment shall be granted to either party.

JUDGE

"Faisal"