

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P No.S-586 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
	For orders on office objections. For hearing of main case.
<u>30.01.2026.</u>	
	Ms. Sadaf Nafees, Advocate for Petitioner.
	Mr. Muhammad Dilawar Qureshi, Advocate for Respondent No.1.

Both learned counsel have argued the matter at length vehemently and have also referred to various documents and earlier proceedings between the parties.

As contended by both learned counsel, the crux of the case are that the Petitioner had filed F.C Suit No.232 of 2022 before learned 2nd Senior Civil Judge, Hyderabad seeking Declaration, Specific Performance of Contract, Mandatory and Permanent Injunction, wherein the Petitioner being plaintiff filed Application U/O XXXIX Rule 1 & 2 C.P.C r/w Section 151 C.P.C. An order dated 12.10.2023 was passed on Application, whereby official defendants were restrained from effecting any alienation or disposal or from creating third party interest on Suit property and private defendants were also restrained from selling and creating third party interest in respect of Suit property. The said order was challenged by Respondent No.1 / Defendant (Dr. Fazila Hashmi) through Civil Revision Application No.06 of 2024 and vide Judgment dated 24.07.2024 the said Civil Revision Application was allowed and order dated 12.10.2023 was set-aside without hearing the Petitioner, therefore, the Petitioner had moved application U/S 12 (2) r/w Section 151 C.P.C for setting aside the said Judgment dated 24.07.2024 but remained unsuccessful, hence this Petition.

After arguing the matter at length and by consent of both learned counsel, the order dated 12.10.2023 in F.C Suit No.232 of 2022 and Judgment dated 24.07.2024 in Civil Revision Application No.06 of 2024 are hereby set-

aside; and the matter is remanded back by consent of parties to the learned Trial Court with direction to allow the plaintiff and defendant to file their written objections and after giving proper opportunity of hearing to both parties decide the Application U/O XXXIX Rule 1 & 2 C.P.C within one (01) month. In the meantime, both parties shall maintain status quo.

The instant Petition is **disposed of** in the above terms alongwith pending application(s), with no order as to costs.

JUDGE

Ali