

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH**  
**CIRCUIT COURT MIRPURKHAS**

Constitutional Petition No.S-21 of 2026

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**DATE**            **ORDER WITH SIGNATURE OF JUDGE**

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1. For order on office objection.
2. For order on M.A No. 2263/ 2019.
3. For hearing of main case.

**10-03-2026.**

Mian Taj Muhammad Keerio advocate for the petitioner.

Mr. Nadeem Abbasi advocate for the respondent No.1 a/w respondent No.1.

Mr. Muhammad Sharif Solangi, A.A.G.

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The controversy involved in this Petition is that suit for recovery of Rs.335,400/= was filed by the respondent, which was decreed. However, as per petitioner, he was not properly served, therefore, ex parte decree was challenged by the petitioner under section 12(2) C.P.C, which was disallowed by the learned trial Court and was concurrently upheld by the learned Appellate Court.

After arguing the matter at length, both learned counsel, under instructions of their client, state that they would be satisfied if the matter is remanded back to the learned trial Court to allow opportunity for filing written statement and recording evidence to the petitioner and disposal of the suit expeditiously, subject to deposit of Rs.335,000/= by the petitioner before the learned trial Court.

In view of above, the impugned (i) Judgment dated 14-02-2019 passed in Civil Revision No.31/ 2018 by the learned Additional District Judge, Khipro, (ii) Order dated 11-12-2018

passed on application under section 12(2) C.P.C so also (iii) Judgment and Decree dated 07-04-2017 passed in First Class Suit No. 71/ 2015 by the learned trial Court are hereby set aside by consent of the parties and matter is remanded back to the learned trial Court for allowing opportunity of filing written statement and recording evidence to the petitioner and to decide the matter based on the evidence of the parties within a period of 30 days positively after receipt of this Order. No unnecessary adjournment shall be granted to the either parties nor any Court Motion Notice would be required to be issued by the learned trial Court. Since learned counsel for the petitioner undertakes that the petitioner would appear before the learned trial Court on 25-03-2026 alongwith his written statement and shall file the same whereon learned trial Court shall frame *issues* and the matter shall be proceeded for recording evidence of both the parties expeditiously without delay. Learned trial Court is also directed to file compliance report with the Additional Registrar of this Court after conclusion of the trial.

The petitioner undertakes to despite Rs.335,000/= with the learned trial Court on 25-03-2026, which was not be disbursed to the respondent until conclusion of the trial.

The instant petition alongwith pending listed application is disposed of in above terms.

**JUDGE**

\*Saleem\*