

# IN THE HIGH COURT OF SINDH AT KARACHI

## **C.P No.S-1061 of 2026**

*[Ali Adil Mahamadi V. Yaqoob Ghazi Pura and others]*

Petitioner : Through his attorney/wife Samira Mahamadi,  
who is present in person.

Respondents : Nemo.

Date of Hearing : **19.10.2026**

Date of Decision : **19.10.2026**

## **J U D G M E N T**

**Abdul Hamid Bhurgri, J.-** Through the instant constitutional petition, the petitioner, through his attorney/wife, has challenged the order dated 01.10.2026 passed by the learned Senior Civil Judge-VIII, Karachi East, whereby applications seeking stay of proceedings under Section 10, C.P.C., in Suit No.2325 of 2023 were dismissed.

2. The petitioner's attorney, present in person, submits that an ex-parte decree earlier passed in the suit was set aside through order dated 03.09.2026 on an application under Section 12(2), C.P.C., against which Civil Revision Application No.191 of 2026 is pending before the learned VIII-Additional District Judge, Karachi East. She further submits that the order dated 01.10.2026, declining to stay the suit proceedings, has also been challenged before the learned District Court, but no order granting interim protection has been passed.

3. I have heard the petitioner's attorney and examined the available record. It appears that in Civil Revision Application No.191 of 2026, the petitioner has already filed an application under Order XXXIX, Rules 1 and 2, C.P.C., seeking interim relief. The learned revisional Court, vide order dated 08.09.2026, issued notices on the said application and deferred its consideration until service upon the concerned parties. Thus, the competent revisional Court is already seized of the matter, and the application for interim relief remains pending adjudication. The mere fact that no interim order has yet been passed does not furnish an independent cause for invoking the extraordinary constitutional jurisdiction of this Court. Moreover, the order dated 01.10.2026 has also been challenged before the

competent District Court. In these circumstances, the present petition is premature, and no case for constitutional interference is made out.

4. For the foregoing reasons, no case for interference under Article 199 of the Constitution is made out. Accordingly, the instant petition is dismissed in *limine*, along with pending application(s), if any. Needless to observe, the learned revisional Court shall decide the pending proceedings and applications independently, strictly in accordance with law.

JUDGE

Ayaz Gul