

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**C.P.No.S-1229 of 2015**  
**&**  
**C.P.No.S-1230 of 2015**

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DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

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**Hearing/Priority of Case**

1. For hearing of CMA No.5026/2015
2. For hearing of Main Case.

**23.09.2016**

Mr. Khalid Lateef, Advocate for the Petitioners.  
Mr. Khalid Parvez, Advocate for Respondent No.3.  
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Counsel for the Petitioners submits that property in question is residential in nature and belongs to the trust which have a number of other properties in Karachi and a list of these properties is attached at page No.75 and 77. The counsel further contends that since the trust has a number of properties, therefore, they don't have any bonafide need of the instant property. He further submitted that while Petitioners are sitting as tenant for the last forty years, they have made several requests to the trust for purchasing the said property, but the trust has not showed any interest for such sale of the property in question.

Counsel appearing for the Respondent claims that trust is not at all interested in selling the said property and objected to the contentions of the counsel for the petitioner and submits that the concurrent findings are against the Petitioner.

Being devoid of the above prerequisites as laid down in 2001 SCMR 338, in my view no breach of any of the constitutional rights of the Petitioner has taken place, leading to invoking the

constitutional jurisdiction of this Court through the instant petition, in particular when the remedy of the appeal has already been availed against the first order.

For the reasons detailed in the case of C.P.No.S-611 of 2011 (PSO vs. Zulekha Khanum & others) vide judgment dated 14.06.2016 and in particular being devoid of any of the prerequisites enabling this Court to intervene in the Judgments of the IIIrd Additional District Judge, Karachi (East), the instant petitions, following the dictum laid down in 2001 SCMR 338 and 2014 YLR 2331, being devoid of any merit, are accordingly dismissed.

Manzoor

Judge