

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

C.P. No.D – 576 of 2017.

DATE

ORDER WITH SIGNATURE OF JUDGE

05.06.2017.

FOR ORDERS ON M.A. 7639/2017.
FOR ORDERS ON OFFICE OBJECTIONS.
FOR ORDERS ON M.A. 4261/2017.
FOR KATCHA PESHI.
FOR ORDERS ON M.A. 4257/2017.
FOR ORDERS ON M.A. 7640/2017.

Mr. Tahir Nisar Rajput, Advocate for petitioner.

1. Granted.

2to4. Learned counsel for the petitioner while confronted as to the maintainability of instant petition, in view of the fact that the petitioner has already availed the remedy before competent court of civil jurisdiction by filing a Suit for Declaration and Injunction in respect of the subject shop, which according to learned counsel for the petitioner has already been dismissed and the petitioner has filed an appeal which is pending before learned VIIIth Additional District Judge Hyderabad. The learned counsel for petitioner couldn't submit any satisfactory response, however, submits that the petitioner will not press instant petition and will continue to seek his remedy before the court of competent jurisdiction, however, requests that respondents may be directed to act strictly in accordance with law and not involve the petitioner in false criminal case, as according to learned counsel during pendency of instant petition, an F.I.R. has been got registered against the petitioner for breaking the seal of the shop.

Accordingly, instant petition is dismissed as not pressed along with the listed applications. However, we may observe that the petitioner may be at liberty to continue to seek the remedy available to the petitioner before the competent court of jurisdiction and the forum available under the law, including quashment of the F.I.R. which according to learned counsel has been falsely registered against the petitioner. However, the respondents shall act strictly in accordance with law and as per the orders, if any, passed by the competent court of law in respect of the subject shop, and shall not involve the petitioner in false cases.

Petition stands disposed of in the above terms along with listed applications.

Judge

Judge

A.