

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P.No.D-2273 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

1. For orders on office objection
2. For orders on MA-9702/19
3. For hearing of main case.

20.11.2019.

Mr. Yasir Tahseen Talpur, advocate for petitioner.

=

1. Overruled.
2. Exemption granted.
3. The facts in brief necessary for passing the instant order are that the respondent No.1 filed a suit for declaration and permanent injunction before learned Senior Civil Judge, Tando Muhammad Khan, during pendency thereof he by way of filing an application under Order-VI Rule-17 C.P.C sought for amendment of the pleadings. It was dismissed by learned Senior Civil Judge, Tando Muhammad Khan vide his order dated 15.05.2019, which was impugned by respondent No.1 by preferring a Revision Application. It was allowed by learned District Judge, Tando Muhammad Khan vide his order dated 25.07.2019, which is impugned by the petitioner before this Court by way of instant constitutional petition.

It is contended by learned counsel for the petitioner that the amendment in the pleadings would change the entire nature of the suit, therefore, same ought not to have allowed and by ordering so, learned District Judge, has committed wrong, which could be made right by this Court in exercise of its constitutional jurisdiction.

We have considered the above arguments and perused the record.

Nothing has been pointed, which may suggest that the amendment sought for would change the nature of the suit. Indeed, the amendment which is sought for would resolve the dispute

between the parties once for all without future complication. Learned District Judge by allowing such amendment of the pleadings, which is permitted by Order-VI Rule-17 C.P.C apparently has committed no wrong, which could be made right by this Court in exercise of its constitutional jurisdiction.

In view above, the instant constitutional petition merits no consideration and it is dismissed in limini.

JUDGE

JUDGE

Ahmed/Pa,