

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Revision Application No.80 of 2019

Date

Order with signature of Judge

1. *For orders on office objection.*
2. *For hearing of Main Case.*

24.02.2021

Mirza Sarfaraz Ahmed, Advocate for the Applicant.
Mr. Talib Ali Memon, Assistant Prosecutor General, Sindh along
with SIP Pervaiz of P.S Saudabad, Karachi.
Mr. Muhammad Anwar Shahid, Advocate for Respondents No.1&2

ORDER

Police official files report on behalf of SHO P.S Saudabad Model,
District Korangi, Karachi, taken on record.

Before arguing matter, learned counsel for the applicant submits
that respondent No.1 has filed Civil Suit No.2165/2018 before this Court
against present applicant which after hearing to the parties, has been
dismissed in terms of order dated 02.02.2021. Consequently, plaint filed by
the respondent has also been rejected under Order VII Rule 11(a) C.P.C. In
support of his contention, he submits photostate copy of said order. Same
is hereby taken on record.

Learned counsel further submits that trial Court did not consider
the material adduced before it and without applying its judicious mind,
has dismissed complaint filed by the applicant vide order dated
06.04.2019. He next submits that it will be appropriate that case may be
remanded and the Court concerned may be directed to decide complaint
after recording evidence of either party by providing equal opportunity of
hearing to them. He; however, submits that after remand of instant case,
case may be directed to be decided by the Court of Sessions or any
Additional Sessions Judge other than Court of 9th Additional Sessions
Judge, Karachi (East).

On the other hand, learned Assistant P.G, Sindh as well as learned
counsel for respondents No.1 & 2 have accorded their no objection.
Accordingly, instant revision application is hereby allowed and the

impugned order dated 06.04.2019 penned down by 9th Additional Sessions Judge, Karachi (East) in Criminal Misc. Application No.36/2019 is hereby set-aside. Consequently, complaint vide Criminal Misc. Application No.36/2019 is hereby restored to its original position as it was on 06.04.2019. The case is hereby assigned to the Court of Sessions Judge, Karachi (East) with directions to retain and entertain it by himself or may assign it to any Additional Sessions judge having jurisdiction other than the Court of 9th Additional Sessions Judge, Karachi (East).

The Revision Application is hereby disposed of in terms stated above.

JUDGE

Zulfiqar/P.A