

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP No.D-1630 of 2020

For orders as to the maintainability of the petition
(statement filed by Respondent No.1)

01.03.2022

Mr. S. M. Jehangir Akhtar, Advocate for the petitioner.
Mr. Abid Naseem, Advocate for Respondent No.1.

Through these proceedings petitioner, an ex-employee of Respondent No.1, Institute of Business Administration, dismissed from service in the year 2003, has challenged the order dated 26.2.2020 passed by the learned IX Additional District and Sessions Judge (MCAC), Karachi East, in Civil Revision No.30 of 2020, maintaining the order dated 15.1.2020 passed in Execution Application No.09 of 2019 (Civil Suit No.1855 of 2017, Re-Institute of Business Administration v. Nusrat Hussain and another) whereby his Applications under Section 12(2) CPC and Order XXI Rule 26 CPC were rejected by the trial Court.

Learned counsel for the Petitioner contended that the fora below have grossly erred in rejecting his applications made under Section 12(2) and Order XXI Rule 26 CPC and miserably ignored the factual as well as legal aspects of the case.

Conversely, learned counsel for the Respondent No.1 while defending the impugned orders maintained that the Decree passed by the trial Court has been executed and the official residence in possession of the Petitioner handed over to the Respondent No.1. Hence, the instant petition has become infructuous. The learned counsel for the Petitioner very frankly conceded to the above position but insisted that the impugned orders being bad in law are liable to be set aside. However, to a query posed as to how the Petitioner had retained the official residence after dismissal from service in the year 2003 and that too without payment of utility charges, he was rendered speechless. Be that as it may, since the Decree passed by the trial Court has been executed and possession of the official accommodation handed over to the Respondent No.1, we do not find any merit in the instant petition and dismiss the same accordingly.

Chief Justice

Judge