

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
R.A No. 33 of 2016

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DATE                      ORDER WITH SIGNATURES OF JUDGE(S)  
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Hearing/Priority case

1. For orders on CMA No.7051/2016
2. For hearing of CMA 6971/2016
3. For hearing of Main Case
4. For hearing of CMA No.2216/2016

08.11.2016

Raja Aftab Ahmed Khan, Advocate for the applicant  
Khawaja Shams-ul-Islam, Advocate for respondents No.1 to 4  
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Learned counsel for the applicant submits that the only ground on which his application under Section 12(2) CPC has been dismissed vide impugned order dated 19.02.2016 was that he could not satisfy the Court as to any manner in which he was aggrieved from the judgment and decree dated 08.01.2014 and 11.01.2014. Learned counsel contends that his name was misused in the agreement notwithstanding that neither he has any beneficial interest in the property, nor he was party to the transaction.

A perusal of the order passed in 12(2) application clearly shows that the person has to show how he is aggrieved by the impugned decree or order or any of his rights or interests are hurt. If misrepresentation was made in any document naming him as a witness, the appellant could initiate appropriate criminal proceedings alleging fraud, but cannot come under the scope of 12(2) application challenging the validity of the judgment, decree or order passed. Since he was neither party or had any interest in the matter of which the judgment, decree or order was passed.

I for the above reasons do not find any merit in this revision application or to differ with the outcome of the impugned order. The instant Revision Application is hereby dismissed with cost of Rs.2,000/ with orders that any action being hampered on account of the pendency of the instant revision application would proceed as if this application was never filed.

JUDGE