ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

CR. MSIC. APPLICATION NO.522/2022

Date	Order with signature of Judge
1.	For order on M.A. No.10760/2022
2.	For order on office objections as at flag-A.
3.	For order on M.A. No.10761/2022
4.	For hearing of main case.
5.	For order on M.A. No.10762/2022

12.09.2022

Mr. Muhammad Mansoor Mir advocate for applicant
Mr. Naved Ahmed advocate

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1. Urgency granted.

2 to 5. Learned counsel for applicant is seeking restraining order with regard to possession as ordered on 13.09.2019 by 9th Additional District and Sessions Judge Karachi South, though that order was challenged before this court in criminal revision application No.12/2022 and criminal revision application No.33/2022 were dismissed by order dated 15.06.2022, same is subjudice before apex Court and order passed by learned Additional Sessions Judge with regard to handing over possession was maintained; he has challenged that order which is subjudiced before apex court.

Admittedly question raised by learned counsel that trial court is not competent to execute that order and this court can stay the earlier order without fresh evidence which has come on record and gives new cause of action. Being criminal court trial court as well this court in view of order dated 15.06.2022 have become functus officio therefore cannot sit over earlier orders. Accordingly, criminal miscellaneous application is dismissed.

J U D G E