

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

C. P. No. D-7034 of 2022

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.30217/2022.
2. For orders on Office Objection No.01 & 11.
3. For orders on Misc. No.30218/2022.
4. For orders on Misc. No.30219/2022.
5. For orders as to maintainability.

21.11.2022.

Syed Muhammad Akbar, Advocate for the Petitioner.

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**YOUSUF ALI SAYEED, J. -** The Petitioner has sought to invoke the jurisdiction of this Court under Article 199 of the Constitution, seeking stay of the proceedings in Execution No.05/2022 said to be pending before the Court of learned Xth Senior Civil Judge, Karachi, East.

However, as it transpires that Civil Appeal No.124/2022 has already been filed by the Petitioner before the learned IVth Additional District & Sessions Judge, Karachi, East against the underlying judgment and decree passed in Civil Suit No.674/2014, and that Appeal remains pending. Apparently, the Petitioner had sought to obtain such relief within the scope of the Appeal, but the Application moved in that regard was dismissed on 03.10.2022. That Order was not assailed before an appropriate proceeding under the Code of Civil Procedure before a higher forum; instead, the Petitioner resorted to an Application under Section 151 CPC, seeking recall of the Order too, which too came to be dismissed on 29.10.2022.

Under the given circumstances, we are of the view that the Petition is misconceived and while granting the application for urgency we accordingly dismiss the Petition *in limine*, along with the other miscellaneous application.

JUDGE

CHIEF JUSTICE

MUBASHIR