

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-8051 of 2022

Date	Order with signature of Judge
------	-------------------------------

FRESH CASE.

1. For orders on Misc. No.34009/2022.
2. For orders on Office Objections No.18 & 31.
3. For orders on Misc. No.34010/2022.
4. For orders on Misc. No.34011/2022.
5. For hearing of main case.

29.12.2022.

Mr. Junaid Ahmed, Advocate for the Petitioner.

YOUSUF ALI SAYEED, J. - The Petitioner is apparently embroiled in a dispute with his former employer, namely the Trading Corporation of Pakistan (Private) Limited, being the Respondent No.1, with certain civil proceedings have ensued for recovery of losses said to be attributable to the malfeasance of the Petitioner, with criminal proceedings having also been initiated on that score. In that backdrop, the Petitioner seeks that this Court may be pleased to:-

- I. Restrain the Respondents from taking any coercive action against the Petitioner until the IIND Appeal 96/2021 and/or the criminal trial, in pursuance of FIR No.31/2021 lodged by the Respondent No.4, is adjudicated on merits;
- II. Suspend the operation of the Order dated 16.12.2022 passed by the Respondent No.4, wherein 'Writ of Attachment' was issued against the immovable property of the Petitioner in Execution Application No.02/2020;
- III. Suspend the operation of the Judgment & Decree dated 28.11.2019 passed in Suit 179/2015, and the Judgment & Decree dated 07.04.2021 passed in Civil Appeal 02/2020;
- IV. Grant any other additional/further relief as this Honourable Court may deem just and appropriate."

As is evident from the prayers advanced, the civil proceedings have passed through two stages, with both judgments having been rendered against the Petitioner, but a Second Appeal remains pending before this Court. As such, it is manifest that the reliefs sought in terms of Prayers II and III properly fall within the framework of the pending Second Appeal rather than by way of recourse to Article 199. Similarly, as regards Prayer I advanced in relation to the FIR, the appropriate course of action would be for the Petitioner to seek bail in relation thereto from the competent forum, rather than invoking the extraordinary Constitutional jurisdiction of this Court.

As such, the Petition is found to be misconceived, and while granting the application for urgency, we accordingly dismiss the same *in limine*, along with the other miscellaneous applications.

JUDGE

JUDGE

MUBASHIR