

**IN THE HIGH COURT OF SINDH,
AT KARACHI**

Present:

Ahmed Ali M. Shaikh, CJ
Yousuf Ali Sayeed, J

C. P. No. D-4734 of 2022

Petitioner : Muhammad Khalid through Mirza
Muhammad Salman, Advocate.

Date of hearing : 15.12.2022

ORDER

YOUSUF ALI SAYEED, J - The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution impugning the Order dated 05.01.2022 made by the learned IXth Additional District & Sessions Judge, Karachi West, dismissing Civil Revision Application No.53/2021 filed by the Petitioner against the Order passed by the learned Vth Senior Civil Judge, West, Karachi, on 31.03.2021, dismissing his Applications under Section 12 (2) CPC filed in Civil Suit No.1088/2015, along with an Application Order 1, Rule 10 CPC.

As it transpires, the Suit, being one for specific performance, was decreed on 26.07.2016 in favour of the Respondent No.1 against the Respondent No.2, and possession of the subject property having also been handed over to the Respondent NO.1 as far back as 21.10.2020 in pursuance of ensuing Execution No.06 of 2017.

However, the Underlying Application under Section 12(2) was filed by the Petitioner on 13.12.2020, subsequent to satisfaction of the execution proceedings, with a perusal thereof reflecting that the Petitioner's case hinged merely on the basis of a sale agreement said to have been executed in his favour by a third-party purchaser, and that the focus of the Application was not even the judgment or decree drawn up on 30.07.2016, but the Order made on 16.02.2018 allowing the Execution.

The Application was dismissed with the finding that the Petitioner had failed to establish any fraud or misrepresentation, with the Revisional Court concurring in that assessment. On query posed as to what perversity or illegality afflicted the Orders of the fora below, learned counsel for the Petitioner was found wanting and could not advance any cogent argument in that regard.

Under the circumstances, the Petition is found to be misconceived and is hereby dismissed *in limine* along with all pending miscellaneous applications.

JUDGE

CHIEF JUSTICE