

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

J.M. No. NIL (-188) of 2023

Syed Mehfooz Ali Hashmi

Versus

Khurshid ul Hannan & others

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

1. For orders on CMA 1870/23
2. For orders on office objection at Flag 'A'
3. For orders on CMA 1871/23
4. For orders on CMA 1872/23

**Dated: 07.02.2023**

Mr. Faisal Ahmed A. Memon for plaintiff.

-.-.-

Urgency granted.

This Judicial Miscellaneous Application under section 12(2) CPC is filed on 02.02.2023 in respect of order dated 01.04.2003 passed in Suit No.895 of 2001. When inquired about the title of applicant, learned counsel for applicant relied upon a sale agreement attached with application. That itself is neither a title nor any performance of such agreement is sought by the applicant in any independent proceedings. Agreement is also not claimed to be coupled with interest. Mere execution of sale agreement will not create any title; at the most applicant could ask for enforcement of the agreement, which he has not, and hence for the purposes of order dated 01.04.2003 passed in above referred suit, this agreement will not take the applicant anywhere unless a performance is sought in appropriate proceedings. This being situation applicant apparently is neither aggrieved of order nor has he shown any cogent reason to seek indulgence of this Court since the order was passed on 01.04.2003 and it is almost after 20 years of passing of the order when this JM is filed. Even otherwise, applicant has also failed to show any fraud, misrepresentation or jurisdictional error to meet the requirement of Section 12(2) CPC. This Judicial Miscellaneous Application as such is dismissed along with listed applications.

**Judge**