

Order Sheet

**IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR**

C. P No. S – 211 of 2021

Date

Order with Signature of Hon'ble Judge

Application in disposed of cass

1. For orders on CMA No.500/2022 (18 Rule)
2. For hearing of CMA No.216/2022 (Contempt Application)

13.02.2023

Mr. Muzafar Ali Dehraj, Advocate for the Petitioner / applicant

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The instant Constitution Petition was disposed of vide order dated 04.10.2021 by directing the official respondents to act strictly in accordance with the law and in case any protection is required by the petitioner, the same may be provided to him in accordance with the law. Thereafter, the petitioner has maintained the listed Contempt Application, on the ground that the alleged contemnors utterly disobeyed the orders of this Court. The petitioner has also filed CMA No.500/2022 under Order 18 Rule 18 r/w Section 151 CPC for appointment of a Commissioner to visit the agricultural land and submit his report.

It is contended by the learned counsel for the petitioner / applicant that the alleged contemnors have breached their undertaking given before this Court, wherein they had stated that they neither cause any harassment nor intend to do so in future, yet they have filed fictitious litigations against the petitioners by way of Applications under Section 22-A and 22-B Cr.P.C and Constitution Petition before this Court.

Initiating any criminal miscellaneous application in terms of Section 22-A and 22-B Cr.P.C or Constitution Petition for the protection of his rights is the right of every citizen which under no circumstances can be termed as breach of any order passed by this Court like in this case, wherein the instant petition was disposed of directing the official respondents to provide "legal protection" to the petitioner.

It is not the case of the petitioner that the concerned officials have failed to provide legal protection to him. Moreover, appointment of any Commissioner will be a futile exercise, as this Court under its Constitutional jurisdiction cannot adjudge title and possession of any moveable property, hence, the listed applications being misconceived are dismissed accordingly.

Judge

ARBROHI