

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-2303 of 2023

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.11174/2023.
2. For orders on Misc. No.11175/2023.
3. For orders on Misc. No.11176/2023.
4. For hearing of main case.

15.05.2023.

Mr. Asim Iqbal, Advocate for the Petitioner.

YOUSUF ALI SAYEED, J. - The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, impugning the Order dated 29.04.2023 made by the learned Vth Additional District & Sessions Judge (MCAC), Karachi, West, dismissing Civil Revision Application No.105/2022 filed by the Petitioner against the Order passed by the learned XIII Senior Civil Judge, West, Karachi on 16.12.2022 in Civil Suit No.2366/2022, whereby an Application under Order 18 Rule 18 CPC filed by the Respondent No.6/Plaintiff was allowed and the Nazir was appointed as Commissioner to inspect the property in possession of the Petitioner in presence of concerned Mukhtiarkar & KMC authorities, after issuance of notices to the parties.

2. On query posed to learned counsel as what perversity or illegality afflicted the Orders of the fora below so as to warrant correction in exercise of the extraordinary Constitutional jurisdiction of this Court, that too in relation to a matter of an interlocutory nature, learned counsel contended that the inspection ought to take place under the auspices of the Sindh Industrial Trading Estate, from whom the Petitioner derived title of the land in its possession.

3. However, that contention has been squarely addressed by the Revisional Court while dismissing the Revision and we see no cause for interference, especially when the report forthcoming in the matter on the basis of the inspection would be open to objections, if any, on the part of the Petitioner in the event of any error or irregularity underpinning the same.

4. As such, no case for interference stands made out, and while granting the application for urgency we hereby dismiss the Petition *in limine* along with other pending miscellaneous applications.

JUDGE

JUDGE

MUBASHIR