

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

R.A. No.303 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on CMA-2801/2023
2. For orders on office objection
3. For orders on CMA-2802/2023
4. For orders on CMA-2803/2023
5. For hearing of main case.

23.10.2023

Mr. Mansoor Ahmed, advocate for petitioner.

1. Granted.

2,3,4&5. The applicant has an impugned interlocutory order dated 04.10.2023 rendered by the Court of 7th Additional District Judge, Hyderabad in Summary Suit 50 of 2023; wherein leave to defend has been granted.

At the very outset, learned counsel has been confronted with respect to whether such an interlocutory order can be assailed in revision proceedings and his only submission is that since no other remedy is provided, hence, revision ought to be entertained.

It is settled law that interference in interlocutory orders may only be merited in revisionary jurisdiction in exceptional or extraordinary circumstances¹, the existence whereof could not be demonstrated before this court.

Even otherwise, learned counsel was unable to cite a single ground based upon which the jurisdiction of this Court could be exercised under section 115 of Code of Civil Procedure. There is no suggestion that the impugned order is either an exercise without jurisdiction or a failure to exercise jurisdiction or an act in exercise of jurisdiction illegally or with any material irregularity. It is trite law² that where the fora of subordinate jurisdiction had exercised its discretion in one way and that discretion had been judicially exercised on sound principles the supervisory forum would not interfere with that discretion, unless same was contrary to law or usage having the force of law. It is the considered view of this court that no manifest illegality has been identified in the order impugned and further that no defect has been pointed out in so far as the exercise of jurisdiction is concerned of the subordinate forum.

In view hereof, this revision is found to be misconceived and devoid of merit, hence, hereby dismissed *in limine*, along with listed applications.

JUDGE

Ahmed/Pa

¹ *Khalid Mehmood vs. Judge Family Court, Faisalabad* reported as 2010 YLR 336; *Muhammad Baran vs. Member (Settlement & Rehabilitation) Board of Revenue, Punjab*, reported As PLD 1991 Supreme Court 691.

² Per *Faqir Muhammad Khokhar J. in Naheed Nusrat Hashmi vs. Secretary Education (Elementary) Punjab* reported as PLD 2006 Supreme Court 1124; *Naseer Ahmed Siddiqui vs. Aftab Alam* reported as PLD 2013 Supreme Court 323.