

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Const. P. D-5053 of 2022

Date

Order with signature of Judge(s)

1. For hearing of CMA No.21534/2022
2. For hearing of main case

16.10.2023

Mr. Z.U. Mujahid, advocate for the petitioner

An application for a peace-meal rejection of plaint was filed by the plaintiff which in a way was allowed. Aggrieved of it, the plaintiff of the suit moved a revision application and the revision application was allowed. The case of the petitioner, being aggrieved of order of the appellate court is that by mentioning the provisions of order VII Rule 11 CPC nothing could be taken away as the substance relief ought to have been provided. We have perused the application and in the entire application the only relief sought is that either a suit be dismissed or the plaint rejected in an application under Order VII Rule 11 CPC for one party i.e. petitioner. The plaintiff could sought rejection of plaint as a whole not in a peace-meal. Hence, the deletion of the name or striking of the plaint against all the parties is not a relief arising out of the Order VII Rule 11 CPC, hence, the appellate court rightly set aside the order of the trial court hence no case of interference is made out, the petitioner, however, may move an application that may be deem fit and proper for deleting the name of any party in case it is advised and the law in this regard supports. The petition is dismissed.

JUDGE

JUDGE