

ORDER SHEET
HIGH COURT OF SINDH, KARACHI
CP D 4172 of 2023

Date: Order with signature(s) of Judge(s)

For hearing of main case
21.11.2023

Petitioner, Syed Laique Ali, is present in person
Mr. Hamood-ur-Rehman, advocate for respondent/UBL
Mr. Sandeep Malani, AAG

There are numerous suits on different counts and claims were filed by the petitioner one after the other and consequently it is claimed that an application to consolidate these suits was filed which was dismissed by the trial court followed by order of the Revisional Court, maintaining the order.

We have heard the petitioner who has appeared in person and perused the record.

The record reflects that approximately five suits on different counts, interconnected/consequential claims, one after the other were filed and at no point of time the question of order 2 rule 2 CPC was decided by the trial Court. If a cause of a subsequent suit had already been arisen, it ought to have been made part and parcel of earlier suits as claims based on a cause already triggered at the time of earlier suit and ancillary to earlier claim, all relief ought to have been made and claimed in earlier lis. Such controversy has not been decided by the Courts below. More importantly since the petitioner seeks consolidation of five suits it seems that not in all cases issues have not been framed. Last but not least an attempt has been made to exhaust the jurisdiction of this Court as if any fundamental right of the plaintiff has been violated or as if it is appellate court of two forums below. The jurisdiction was exercised by the two forums below and the rightly so when the suits were not consolidated. It seems that the petitioner is a habitual litigant as for one reason or the other for some interconnected claims having a common cause he has been filing suits against the respondents. We would not like to comment any further as for as merits of the cases are concerned, however, we do not see any reason to interfere in the order of two forums below who have exercised their jurisdictions rightly¹. This Petition is dismissed with cost of Rs.10,000/- which shall be deposited in the High Court Clinic in two weeks' time.

JUDGE

JUDGE

Amjad/PA

¹ PLD 1974 SC 139