

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No.D-4197 of 2023

Sher Bacha
Versus
Learned VIIth Addl. District & Sessions Judge & others

Date	Order with signature of Judge
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1. For orders on Misc. No.26524/23
2. For orders on office objections.
3. For hearing of main case.

Dated: 30.11.2023

Mr. Muhammad Yousuf for petitioner.
Mr. Abdul Jaleel Zubedi, Assistant Advocate General.
Mr. Mubarak Ali Shah for respondent No.2.

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Against judgment and decree, an application under section 12(2) CPC was filed which was initially dismissed by the trial Court. The applicant of application under section 12(2) CPC preferred a revision, which was allowed to the extent that plaintiff of the suit shall also be allowed to record evidence and remanded the case. As against this, this petition was filed that it should not have done by the revisional Court. As against the order of the revisional Court this petition is not a remedy as no jurisdictional defect was pointed out; it is a discretion which was exercised by the revisional Court by remanding the matter. If the petitioner/plaintiff does not wish to record evidence in respect o application under section 12(2) CPC, he may file a statement or otherwise record evidence for application under section 12(2) CPC. The trial Court shall then decide the application under section 12(2) CPC afresh after recording evidence of the plaintiff, if so deemed fit and proper by the plaintiff/petitioner. Entire exercise may not take more than three months. Order accordingly.

Petition stands disposed of in the above terms along with listed applications. R & P be returned to the Court concerned.

Judge

Judge