

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

C.P. No.D-5549 OF 2023

Pervez Ahmed
Versus
Muhammad Shakir & others

Date	Order with signature of Judge
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1. For orders on Misc. No.25678/23
2. For orders on Misc. No.25679/23
3. For orders on Misc. No.25680/23
4. For hearing of main case.

Dated: 27.11.2023

Mr. Nasir Rizwan Khan for petitioner.

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It appears that for a portion, being occupied by appellant, who has been arrayed as defendant No.1, a suit was filed and the same was decreed followed by execution being allowed against which this petition is filed. Undisputedly this suit portion is the one which is occupied by appellant/defendant No.1 in the suit and hence his occupation of the portion cannot be disputed and execution cannot be objected that portion is not identified in the suit. No appeal preferred against the main judgment, as stated. The executing Court could not go beyond the decree which order is rightly passed and maintained in Revision. Subject matter of execution is a portion occupied by appellant. There is no jurisdictional error hence in line with the principle as laid down in the case of Muhammad Hussain Munir v. Sikandar reported in PLD 1974 SC 139 followed by recent pronouncement of Supreme Court in the case of M. Hamad Hasan v. Mst. Isma Bukhari in Civil Petition No.1418/2023, no interference is required in the judgment and order passed by the two Courts below. Instant petition as such is dismissed along with listed applications.

Judge

Judge