C.P. No.D-5110 of 2023

M/s Al-Waqar Corporation
Versus
M/s Rice Export Corporation of Pakistan & others

Date	Order with signature of Judge

1. For orders on office objections.
2. For orders on Misc. No.23437/23
3. For orders on Misc. No.23438/23
4. For hearing of main case

**Dated: 24.01.2024**

Mr. Adnan Ahmed for petitioner.

-.-.-

This Constitution Petition is arising of an order passed in Civil Revision No.176 of 2023 in terms whereof order of the trial Court/ executing Court allowing the execution application was maintained. In substance the case of petitioner is that this was second execution application which was filed and allowed when the earlier execution application was still pending.

We have heard the learned counsel and perused material available on record.

Record shows that earlier execution application was filed in pursuance of a decree of trial Court dated 31.03.2008. The judgment debtor challenged it in an appeal i.e. Civil Appeal No.77 of 2008; it remained pending for considerable time when it was disposed of vide order dated 18.10.2021. The conclusion drawn in terms of point No.2 paragraph 17 of the judgment of the appellate Court, identified above. The appellate Court directed that the decree be prepared accordingly. It is this decree of the appellate Court, which was prepared and in

consequence whereof subsequent execution application was filed and hence is executable. Thus, there cannot be two views that the earlier execution application since pending ought to have become infructuous since appellate decree is enforceable.

We have noticed that subsequent execution application has disclosed a date of decree of the appellate Court as 23.10.2021, as shown and prepared by the appellate Court and this was not time barred and has rightly been allowed by the executing Court and maintained by the appellate Court via impugned order. No interference is thus required. Instant petition as such is dismissed along with listed applications.

Judge

Judge