

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C. P. No. D-5086 of 2022

Date	Order with signature of Judge
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Priority.

1. For orders on Office Objection No.18 & 26.
2. For order on Misc. No.21678/2022
3. For hearing of main case.

19.09.2023.

Mr. Shahzad Qamar Abbas, Advocate for the Petitioner.

YOUSUF ALI SAYEED, J. - The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, impugning the Order dated 28.07.2022 made by the learned IX Additional District & Sessions Judge, Karachi, West (MCAC), dismissing Civil Revision Application No.47 of 2022 filed by the Petitioner against the Order passed by the learned XII Senior Civil Judge Karachi, West on 12.04.2022 in Civil Suit No.987/2021, whereby the Plaint was rejected under Order 7 Rule 11 CPC.

The backdrop to the matter is that the Petitioner had filed the Suit for declaration and permanent injunction, claiming that he was the owner in possession of a parcel of agricultural land on the strength of a Sale Agreement and a Power of Attorney executed in his favour by a person named Maulana Amanullah, and alleging that the Respondent NO.1 was continuously threatening and trying to dispossess him. The plaint in the Suit came to be rejected, as aforementioned, for the reason that the entries in the name of Maulana Amanullah were found to have been cancelled.

Attempts to effect service upon the Respondent No.1 in the present matter have proven fruitless due to the lack of a proper address and it is perhaps for such reason that said Respondent apparently did not enter appearance before either of the fora below, with the rejection of the plaint being undertaken by the trial Court of its own accord.

Proceeding with his submission, learned counsel for the Petitioner submitted that he was not pressing the Petition for purpose of setting aside the impugned Orders from the standpoint of the rejection of the Plaint, but would confine the focus of the Petition to the direction given in the underlying Order dated 12.04.2022 for cancelation of the registered Power of Attorney No.1610 Dated 12.05.2008 by the Sub-Registrar, Gaddap-1. He submitted that even is the Petitioner's Suit failed, there was no cause or occasion for such a direction to have been given.

We have considered the arguments advanced in light of the record. While the direction for cancellation of the Power of Attorney was not the focus of the Revision Application, nor apparently even the plea advanced before that forum. Furthermore, we are unaware as to whether the direction has since been complied with. Be that as it may, since we are of the view that such a direction to the Registrar was unwarranted under the attendant circumstances, we set aside the aforementioned Order dated 12.04.2022 to that extent. The Petition stands disposed of in such terms.

JUDGE

JUDGE