

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No.D-1982 of 2024

Muhammad Sabir
Versus
Khawar Bashir and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Present:
Mr. Justice Muhammad Shafi Siddiqui
Justice Ms. Sana Akram Minhas.

Fresh Case

1. For order on Misc. No.8986/2024 (Urgent/App).
2. For order on Misc. No.8987/2024 (Exemption/App).
3. For order on Misc. no.8988/2024 (Stay/App).
4. For hearing of main case.

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Dated 07.05.2024

Mr. Moulvi Iqbal Haider, Advocate for the petitioner.

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Muhammad Shafi Siddiqui, J.- At the stage when the matter was fixed for final arguments, an application under Order-XIII Rule-2 CPC was filed before the trial court. The trial court heard the learned counsel and passed a detailed order on 22.11.2022 describing the process that was undertaken when the trial commenced. The trial court dismissed the application followed by the dismissal of revision application, hence this petition.

2. At the very outset, we are not the appellate authority to reappraise the facts involved in the case. It is petitioner's claim that they were prevented by a sufficient cause in not producing the documents at the relevant time, however, the suit was contested by the petitioner and such documents were not produced. This fact is not denied. The applicability of Order-XIII Rule-2 CPC is not for the stage when the matter was fixed for final arguments. If the parties were prevented in filing certain documents after framing of issues within time fixed by the court then before any prejudice is caused

to any party, an application be filed apparently before the process of recording of evidence commenced. In the present case however not only the evidence of the plaintiff but the stage of recording evidence of defendant has also crossed when the application filed and the matter reached to a stage of final arguments. The application under Section-XIII Rule-2 CPC was rightly considered to be misconceived and was dismissed.

3. We cannot reappraise such facts under Article-199 of the Constitution of Islamic Republic of Pakistan and hence this petition merits no consideration and is dismissed along with listed applications.

JUDGE

JUDGE

Ayaz Gul