

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

C.P. No.D-1789 of 2024

Basharat Ali Khan

Versus

The Ld. VI-Additional District & Sessions Judge & others

Date	Order with signature of Judge
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1. For orders on Misc. No.8043/24
2. For orders on Misc. No.8044/24
3. For hearing of main case.

Dated: 16.05.2024

Mr. S. Arshad Hussain for petitioner.

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In a suit that seeks a declaration and also damages an application under order VII rule 11 CPC was filed for rejection of plaint on the count that there are/were some contractual obligations which were nullified by a subsequent agreement/arrangement. Learned counsel further submits that there is no cause of action on that count.

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

The trial Court dismissed application under order VII Rule 11 CPC followed by dismissal of revision application. We are now faced with the situation where Article 199 of Constitution of Islamic Republic of Pakistan, 1973 has been invoked. We are not sitting as an appellate Court to overview and scrutinize the orders of the trial Court and the appellate Court. Further, the points, as raised by learned counsel for the appellant, are in relation to maintainability of the suit and if feel appropriate the trial Court may frame such issue and decide it as a preliminary issue for further consequences. No indulgence of this Court is required in terms of article 199 of the Constitution of Islamic Republic of Pakistan, 1973 as far as impugned order is concerned. Accordingly, the petition being misconceived is dismissed along with listed applications.

Judge

Judge