

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

C.P. No.D-2476 of 2024

Muhammad Farooq

Versus

IV-Additional District Judge Karachi (Central) & others

Date	Order with signature of Judge
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1. For orders on Misc. No.11293/24
2. For orders on office objections No.11 and 32
3. For orders on Misc. No.11294/24
4. For orders on Misc. No.11295/24
5. For hearing of main case.

Dated: 23.05.2024

Mr. S. Moinuddin Pasha for petitioner.

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A suit without a contest was decreed ex parte. Aggrieved of it an application under section 12(2) CPC was preferred, which was dismissed. The order of the trial Court passed on the said application under section 12(2) CPC dated 02.09.2022 disclosed that perhaps evidence was recorded in pursuance thereof and eventually the same was dismissed. Civil Revision Application was then preferred wherein the matter was remanded to the trial Court setting aside the order of the trial Court passed on the application under section 12(2) CPC.

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

No doubt the application under section 12(2) CPC was disposed of by the trial Court after recording evidence but we are exercising jurisdiction under Article 199 of Constitution of Islamic Republic of Pakistan, 1973 and cannot be an appellate Court of the two forums below; only jurisdictional error floating on the face of it or any order which transgressed constitutional safeguards could be taken into account while exercising such jurisdiction. No such point has either been raised or could at least be discovered after perusal of the impugned order. It is only a remand to the trial Court for a decision afresh in accordance with law.

In view of above no interference is required. The petition being misconceived is dismissed along with listed applications.

Judge

Judge