

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. **D – 1728** of 2024

| Date | Order with signature of Judge |
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FRESH CASE

1. For orders on Misc. No. 7961/2024.
2. For orders on office objection No. 1, 2, 3, 4, 5 & 6.
3. For orders on Misc. No. 7962/2024.
4. For hearing of Main Case.

16.04.2024:

Petitioner Muhammad Zubair present in person.

1-4. Instant petition has been filed against the Judgment dated 15.03.2022 and the decree dated 17.03.2022 passed by the XIIth Senior Civil Judge, Karachi West in Civil Suit No. 194 of 2011, which according to the petitioner, is based on misleading and non-reading of the evidence and therefore, liable to be set-aside.

Petitioner was confronted as to maintainability of instant petition as remedy is provided under the law against impugned judgment and decree by filing an appeal before proper Court of jurisdiction. In response to such query of the Court, petitioner submits that since the time period to file an appeal has been lapsed, therefore, instant petition has been filed. Such reply of the petitioner is not tangible in law, whereas, instead of filing instant petition, petitioner could have approached the appellate forum by filing condonation application and thereafter, could have sought further remedy as may be available to the petitioner.

Accordingly, instant petition being misconceived, is dismissed in limine alongwith listed applications. However, petitioner will be at liberty to approach the relevant forum as may be available in law.

Since the petitioner appearing in person, it is expected that in case, he approaches the Appellate Court by filing an appeal

alongwith condonation application, the same may be considered on compassionate ground.

CHIEF JUSTICE

JUDGE

A.S.