

# ORDER SHEET

## *IN THE HIGH COURT OF SINDH AT KARACHI*

Constitution Petition No. **D – 1651** of 2024

Date	Order with signature of Judge
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### FRESH CASE

1. For orders on Misc. No. 7510/2024.
2. For orders on Misc. No. 7511/2024.
3. For hearing of Main Case.
4. For orders on Misc. No. 7512/2024.

### 02.04.2024:

Mr. Muhammad Adeel Awan, advocate for the petitioner.

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1-4. While confronted as to maintainability of instant petition in view of remedy available to the petitioner, which has already been availed by filing an appeal before relevant Review Committee, learned counsel for the petitioner submits that since inspite of pendency of the appeal, respondents intend to encash the 10% performance security and to forfeit 10% security deposit, therefore, petitioner has approached this Court under Article 199 of the Constitution for seeking restraining orders.

Such contention of the learned counsel for the petitioner is misconceived for the reason that once the available remedy has been availed, while filing an appeal, interim or the partial relief can be sought from such forum in accordance with law during pendency of appeal, if law so permits, whereas, constitutional petition cannot be filed merely for seeking interim relief, particularly, when no relief is sought on the merits of the case.

Accordingly, instant petition being misconceived, is dismissed in limine alongwith listed applications. However, petitioner will be at liberty to approach the relevant forum for the redressal of his grievance, whereas, it is expected that such request may be examined in accordance with law.

**CHIEF JUSTICE**

**JUDGE**

A.S.