

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Const. Petition No. D-7874 of 2019
 (Haji Muhammad Hanif Versus Additional Sessions Judge-IX and 2 others)

Dated	Order with signature of Judge
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Present:
 Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Omar Sial

Priority

1. For hearing of Misc. No. 34717/2019
2. For hearing of Main Case

Dated 13.03.2024

Mr. Muhammad Rehan Thahim, Advocate for the Petitioner
 Mr. Abdul Jaleel Zubedi, AAG

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By virtue of the impugned order, the trial Court's order of the dismissal of an Application under Section 12 (2) C.P.C. was set-aside with direction of remand to the learned trial Court to proceed with it after recording of evidence.

2. We have inquired from the learned counsel for the Petitioner as to what was the jurisdictional defect or constitutional violation, he has taken us to the merit of the case. The controversy in a suit was ended by way of a compromise between the Plaintiff and Defendant No.1. The Defendant No.1 later resiled on the count that he was behind the bars and was coerced to enter into compromise. This being a triable issue, the learned Additional Sessions Judge has rightly remanded the matter back to the trial Court for disposal of application after framing of issues in accordance with evidence. There is nothing to interfere in the impugned order. The Petition along with listed application as such is dismissed.

JUDGE

JUDGE