

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

C.P. No.D-5643 OF 2024

Mukhtar Ali Palijo

Versus

Province of Sindh & others

Date	Order with signature of Judge
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1. For orders on Misc. No.25019/24
2. For orders on Misc. No.25020/24
3. For orders on Misc. No.25021/24
4. For hearing of main case.

Dated: 13.11.2024

Mr. Faisal Ahmed A. Memon for petitioner.

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Learned counsel for the petitioner submits that initially petitioner completed the construction work at the plinth level in terms of the contract as was awarded after completing all codel formalities in the year 2011 and payment to that effect was also paid to the petitioner. However, it is the case of the petitioner that he, perhaps on verbal understanding between the petitioner and respondents, done some additional work of which the respondent have not paid the promised amount, rather they have issued fresh tender for the same work which petitioner claimed to have already completed.

Perusal of record reveals that the tender was issued in the year 2011 and it is claimed to have been completed and payment towards the same has been paid, however, there is nothing on record to substantiate that any completion certificate was issued by the respondents. So also there is nothing available on record to show if any additional work was done by the petitioner. Even otherwise it appears to be a dispute between the parties is in respect of recovery of outstanding dues hence the petitioner may pursue the remedy by filing suit for recovery. The subject dispute as to the recovery of the amount cannot be proceeded in these proceedings under article 199 of the Constitution of Islamic Republic of Pakistan, 1973. This being the situation petition merits no consideration and the same is accordingly dismissed along with listed applications.

Chief Justice

Judge