

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
RA No. 08 of 2012

Date: Order with signature of Judge

1. For orders on CMA No.195/13
 2. For orders on office objections
 3. For hearing of CMA No.202/12
 4. For hearing of main case
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12.2.2018

Mr. Saad Siddiqui for applicant
Mr. Khurshid Anwar for respondent
.x.x.x.x.

Statement filed by the learned Counsel for the applicant is taken on record.

After hearing the parties at length, it appears that the impugned order disposed of an application under Order VII Rule 11 CPC.

Learned Counsel for the applicant submits that the exclusive jurisdiction lies with the Electric Inspector insofar as the theft of the electricity is concerned.

The K-Electric may proceed in accordance with law and may lodge FIR in case of any theft however there is no ouster clause to avail jurisdiction of civil Court insofar as the allegation raised in the plaint is concerned.

I have gone through the impugned orders. Without commenting upon the merits of the case and the relief sought, it appears that the suit was for permanent injunction. Surprisingly despite serious allegations of theft of electricity, K-Electric has removed the meter itself instead of requesting the Electric Inspector under Electricity Act. K-Electric cannot be a judge of their own cause and remove the meter regarding which allegations have been raised by them.

In view of the above, this revision application is disposed of by consent with directions to the trial Court to proceed expeditiously and decide it on merits within three months from today after allowing the opportunity of hearing to the parties.


Judge