

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
C.P.No.S-336 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objections at flag "A".
- 2. For orders on M.A.No. 1832/2025 (E/A).
- 3. For hearing of main case.

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19.09.2025

Mr. Ukesh Kumar Mugheriyani, Advocate a/w Petitioner.

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This petition has been filed against order dated 17.02.2025, passed by learned Additional District Judge-III, Larkana.

Record reflects that that the Respondent had filed an application under Order 7 Rule 11 CPC in Suit No.130/2023, which was declined and the Revision Application No.48/2024 was preferred by Respondent, which was allowed and the Suit filed by the Petitioner was dismissed vide order dated 17.02.2025. Instead of pursuing the remedy before this Court, a review application was filed, which was beyond the period of limitation and dismissed by Revisional Court. Review application contains the ground that there was error apparent on the face of the record and there was procedural illegality in applying the provisions of Order 7 Rule 11 CPC. Revision Application was allowed on the ground that the rent proceedings were culminated in the writ of possession and the instant litigation was a counter blast to the said proceedings; thus hit by doctrine of res judicata.

Today, Mr. Ukesh Kumar Mugheriyani, advocate is present alongwith petitioner Ghous Bux Tunio. Mr. Ukesh submits that he intends to withdraw his power, whereas the petitioner, present in person, submits that he intends to engage a new counsel and time may be granted.

Since the dismissal of suit in terms of Order 7 Rule 11 CPC will not preclude the petitioner to bring a fresh suit and these proceedings are against the orders passed under review proceedings, which has a very limited scope. Apparently, the impugned order does not suffer from any illegality or irregularity as not only the grounds for review were not available with the applicant, but the application for review was filed with delay, as the law has prescribed a particular time frame for bringing an application for review, therefore, if the petitioner is given a chance to bring a new counsel, it will not serve any purpose. Apparently, this petition is misconceived and dismissed accordingly alongwith the listed application.

Judge