**ORDER SHEET**

**IN THE HIGH COURT OF SINDH, KARACHI.**

**C.P No. D-4069 of 2024**

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Dated | Order with signature of Judge.

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For Order as to maintainability of Petition.

**18.02.2026.**

Mr. Danish Nayyer, Advocate for the Petitioner.

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The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, seeking to impugn the Judgment and Decree made by the Vth Additional Sessions Judge Karachi East in Suit No.38/2004 preferred by the Respondent No.2 under Order 37 of CPC, allowing the latter's claim for recovery of sum of Rs.500,000/- on the basis of a negotiable instrument.

Upon the matter coming up in Court today for Orders as to maintainability of the Petition, learned counsel for the Petitioner was queried with reference to the office objection as to how a Petition would lie in the matter in view of the remedy available by way of an appeal, as well as to address the point of laches in view the fact that the impugned Judgment was made as far back as 27.05.2005, whereas the Petition was filed on 03.08.2024.

Responding to those queries, learned counsel contended that no appellate remedy was available in the matter, pointing out that Revision Application No.58/2009 had been filed before this Court, which had, however, been dismissed for non-prosecution on 20.11.2017. He submitted that this Petition had thus been filed, and argued that limitation would not apply as the impugned judgment was tainted by illegality so as to render it void.

Upon examination of the pleadings and documents filed therewith, it is manifest that the aforementioned Revision was in-fact directed against an Order dated 24.01.2009 apparently made in Execution No.5/2005 arising out of the aforementioned Suit, which is not subject of any prayer advanced in this Petition, with the same being confined to addressing the underlying Judgment and Decree. That being said, the contention of learned counsel as to non-availability of an appeal in the matter is devoid of force inasmuch as such remedy is clearly available under Section 96 CPC. The arguments regarding non-applicability of the law of limitation, is also devoid of force in view of the judgments of the the Honourable Supreme Court in the cases reported as Kiramat Khan vs. I.G, Frontier Corps and others 2023 SCMR 866, and Chief Engineer, Gujranwala Electric Power Company (GEPCO), Gujranwala vs. Khalid Mehmood and others 2023 PLC 65. Needless to say, whatever the merits of the matter may be, the same ought to have been agitated through an appropriate proceeding before the concerned forum, which cannot by passed through recourse to the extraordinary Constitutional jurisdiction of this Court. The Petition stands dismissed accordingly.

JUDGE

JUDGE

TariqAli/PS