

**ORDER SHEET.**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**W.P. No.1703/2021**

Malik Naseer Ahmed

Versus

Senior Civil Judge-III, Islamabad (East), etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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	07.05.2021.	Mr. Mazhar Iqbal Ch., Advocate for petitioner.
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Through this writ petition the petitioner has assailed the order dated 30.04.2021, passed by learned Executing Court mainly on the ground that judgment & decree could not be executed in a manner as proceeded by the learned Executing Court and even decree was assailed by the petitioner and his brother through application u/s 12(2) CPC, which was dismissed by learned trial court, however, the order was further assailed before this Court through Civil Revision No.95/2019 and same has not yet been concluded. Petitioner further states that he filed objection petition against the execution of the decree but the learned Executing Court has refused to receive the said objection petition and such conduct is unwarranted.

2. Learned counsel for the petitioner has been

confronted as to whether petitioner ever approached District Judge qua non-receiving of petitioner's objection petition whereby learned counsel has conceded that petitioner has directly approached this court through instant writ petition. However, as per claim of the petitioner, it appears that any objection petition in terms of Order XXI Rule 58 CPC has not yet been filed nor proceeded which is the alternate remedy to cater the proposition. In such scenario it is appropriate that petitioner should approach the learned executing Court at the first instance, if so advised. In case petitioner has opted to file objection petition against the judgment & decree, the same shall be dealt in accordance with law by the learned Executing Court on urgent basis.

3. In view of above, without touching the merits of the case, instant writ petition stands disposed of in above terms.

(MOHSIN AKHTAR KAYANI)  
JUDGE