

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

C.M (Ind.) No. 628 of 2018

Ayaz Builders (Pvt.) Ltd. through its Chief Executive
Vs
Syed Kausar Ali Shah and others.

| 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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| <u>25-04-2019.</u> | Mr. Waqar Ahmed, Advocate for the applicant. Malik Abdul Latif Khokhar and Raja Iftikhar Ahmed, Advocates for respondents no. 9 and 10. |
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Through this consolidated order, I shall decide the instant application filed under section 12(2) of the Civil Procedure Code read with Order IX Rule 13 ibid and R.A No. 40/2018 tilted "Ayaz Khan Mandokhail Vs. Syed Kausar Ali Shah, etc."

2. The facts, in brief, are that Civil Revision no. 140/2017 tilted "*Ayaz Khan Vs. Syed Kausar Ali Shah, etc.*" was dismissed by this Court vide judgment, dated 07.05.2018. The applicant namely Ayaz Khan Mandokhail in R.A No. 40/2018 is admittedly the Chief Executive of Ayaz Builders Private Limited i.e. applicant in C.M (Ind.) no. 628/2018. The Applicant namely Ayaz Khan Mandokhail had filed an application under section 12(2) of CPC before the learned

trial Court during the proceedings which had led to filing of Civil Revision no. 140/2017. Through R.A no. 40/2018 Ayaz Khan Mandokhail is seeking review of judgment, dated 07.05.2018, passed in Civil Revision no. 140/2017, while C.M (Ind.) no. 628/2018 has also been filed by a juridical person through its Chief Executive i.e. Ayaz Khan son of Sheikh Amir Muhammad.

3. The learned Counsel for the applicant has been heard at length. Despite his able assistance he could not show any error apparent on the face of judgment, dated 07.05.2018, in order to make out a case for review. Likewise, C.M (Ind.) No. 628/2018 has been filed in the name of a juridical person by Ayaz Khan Mandokhail. The latter had filed Civil Revision no. 140/2017, which was dismissed vide judgment, dated 07.05.2018. The learned Counsel could not satisfy this Court that one of the grounds mentioned in section 12(2) of CPC is in existence. Ayaz Khan Mandokhail i.e. petitioner in Civil Revision no. 140/2017 is the Chief Executive of the juridical person, which has filed C.M No. 628/2018. He was party to the proceedings which had led to passing of judgment, dated 07.05.2018. The plea of fraud or misrepresentation is without

any basis and, therefore, sub section (2) of section 12 of CPC is not attracted.

4. For what has been discussed above, the applications are without merit and, therefore, accordingly dismissed.

(CHIEF JUSTICE)

Saeed