

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**C.P No.D-4499 of 2025**

*[Mansoor Ismail Nami and another v. P.O Sindh and others]*

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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*Before;*  
*Mr. Justice Yousuf Ali Sayeed;*  
*Mr. Justice Abdul Hamid Bhurgri.*

- 1. For orders on Misc. No.18727/2025.
- 2. For orders on office objections No.1 to 9.
- 3. For orders on Misc. No.18728/2025.
- 4. For hearing of main case.

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**Date of hearing:- 17.09.2025**

Mr. Sartar Iqbal Panhwar, Advocate for the petitioners.

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**Abdul Hamid Bhurgri, J.-** The case of the Petitioners is that they claim ownership of the land described in paragraph 3 of the petition, which they assert was purchased through registered sale deeds bearing No.359, Registration No.61 dated 17.04.2010, and No.360, Registration No.62 dated 17.04.2010, both registered before the Sub-Registrar, Thatta, and duly microfilmed by the Photo Registrar, Hyderabad, under MF Roll Nos.751/8792 and 751/8793 dated 23.04.2010. The Petitioners contend that possession was delivered to them, that they developed the property, and that they were accepted into the programme for pacca construction of a watercourse. It is further stated that the father of Petitioner No.2 cultivated crops on the said land without objection until 2013. Thereafter, Respondent No.9, Mst. Khursheed Begum, instituted F.C. Suit No.89/2013 seeking declaration, cancellation, and permanent injunction in respect of Survey Nos.120/2, 151/1 and 151/2, measuring 12-24 acres, situated at Deh Soof Shoro, Tapo Tando Hafiz Shah, Taluka Thatta. The said suit was dismissed by judgment and decree dated 13.02.2021. Respondent No.9 challenged that decision by filing Civil Appeal No.12/2021 [Mst. Khursheed Begum v. Province of Sindh & others]. The Petitioners also filed cross-objections, but the official respondents did not appear. The learned II-Additional District Judge, Thatta, by judgment dated 19.07.2023 and decree dated 21.07.2023, allowed the appeal, thereby decreeing the suit of Respondents Nos.5 and 9 and setting aside the trial court's decision. Petitioner No.1 thereafter preferred IInd Appeal No.225/2023 [Mansoor Ismail Nami

v. Province of Sindh & others], in which notices were issued and an order of status quo was granted on 02.10.2023. That interim order remains in force and the IInd Appeal is pending adjudication. Meanwhile, Respondent No.9 filed an application dated 08.08.2023 before the Deputy Commissioner (Collector), Thatta, for implementation of the appellate decree. Without issuing notice to the necessary parties, the Deputy Commissioner passed an ex parte order on 21.08.2023, resulting in Entry No.358 dated 28.08.2023 being recorded by the Mukhtiarkar Revenue, Thatta. The Petitioners have challenged that order in Revenue Appeal, which remains pending and adjourned sine die. The Petitioners allege that during pendency of the IInd Appeal, Respondent No.9, in collusion with revenue officials, attempted to take possession of the land by visiting the site along with the Deputy Commissioner, Mukhtiarkar, and armed persons, but were prevented by intervention of local residents. It is further alleged that Respondent No.9 and her relatives are attempting to damage crops, obstruct water supplies, and with the aid of police and irrigation officials are threatening to dispossess the Petitioners. The Petitioners also allege that the Deputy Commissioner, Thatta, namely, Ghulam Farooq Soomro, has accepted illegal gratification from the opposing party and has deployed armed personnel against them. It is claimed that for the last two months the Petitioners and their family have been harassed, threatened with closure of their watercourses, and warned of registration of false criminal cases; hence, the present petition has been filed.

2. Learned counsel for the Petitioners submits that, despite the subsistence of status quo granted by Court in IInd Appeal No.225/2023, Respondent No.9, with the assistance of official respondents, continues to interfere with the Petitioners' possession and cultivation, and attempts are being made to deprive them of their lawful use of the land without due process and in breach of natural justice.

3. We have heard learned counsel for the Petitioners and perused the record.

4. Admittedly, the dispute raised in the present petition is the subject matter of IInd Appeal No.225/2023 pending before Court, wherein status quo is already in operation. The Petitioners' title is under cloud as Respondent No.9's first appeal has been allowed,

which is now sub judice before this Court. Since disputed questions of title, possession, and allegations of interference are involved, and the litigation between the parties is already pending before the competent forum, this Court, in exercise of its constitutional jurisdiction, is not inclined to interfere. Any observations made by this Court at this stage may prejudice the pending proceedings between the parties.

5. However, the official respondents are directed to act strictly in accordance with law and shall not take any coercive action against the Petitioners without due process. In case of any unlawful interference or harassment, the Petitioners shall be at liberty to seek appropriate remedy before the Justice of Peace or any other competent forum, in accordance with law.

6. For these reasons, the present petition, being not maintainable, is dismissed. The parties, however, are left at liberty to agitate their respective claims before the competent court of law.

JUDGE

JUDGE

Ayaz Gul