

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.S-1395 of 2025

Date	Order with signature of Judges
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Fresh Case.

1. For orders on CMA No.8873/2025. (Urgency)
2. For orders on office objection No.5 a/w reply of counsel thereof as Flag A.
3. For orders on CMA No.8874/2025. (Exemption)
4. For orders on CMA No.8875/2025. (u/o XLI R-5 CPC)
5. For hearing of main case.

09.12.2025

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Mr. Ghulam Mustafa Baloch, advocate for the petitioner.

- 1) Urgency granted.
 - 2) Deferred.
 - 3) Granted subject to all just exceptions.
- 4&5) Through this Constitutional Petition, the petitioner has challenged the order dated 08.09.2025 passed by the learned Senior Civil Judge-I, Sujawal in Execution Application No.01/2019 in F.C. Suit No.140/2014, whereby the execution application was allowed. The said order was assailed through Civil Revision Application No.06/2025, which too was dismissed vide order dated 07.11.2025, leading to the filing of the present petition.
2. Learned counsel for the petitioner contends that both Courts below failed to appreciate the facts of the case and passed the impugned orders in a hasty manner. He submits that the executing Court has gone beyond the decree and granted relief which the trial Court did not grant. He argues that the executing Court has disturbed the settled proposition that execution must remain confined strictly within the bounds of the decree.
 3. I have heard learned counsel and perused the material available on record.

4. From the record, it appears that F.C. Suit No.140/2014 was decreed on 06.03.2019, directing that if any portion of the plaintiff's land was found in possession of the defendants, the same shall be handed over to its lawful owner. Pursuant thereto, the decree-holder filed Execution Application No.01/2019.

5. The Mukhtiarkar submitted a detailed demarcation report dated 20.01.2023, prepared in corroboration with Survey Department Hyderabad, which states:

- Muhammad Ismail Mallah is in possession of 1-13 acres, out of Survey No.12/1.
- Khuda Bux (defendant No.5) is in possession of 2-27 acres out of Survey No.12/1, with structures and houses.
- Wahid Bux (defendant No.9) is not shown to be in possession of any portion of Survey No.12/1.

6. Significantly, the petitioner does not claim any title, ownership, or possession over Survey No.12/1, which is the subject matter of the decree and execution proceedings. The demarcation report also does not show him to be in possession of the land. Thus, the impugned order does not curtail, diminish, or affect any right of the petitioner, nor does any relief granted in execution extend to any property claimed by him personally.

7. The executing Court, while issuing the writ of possession on 04.09.2025, acted strictly in accordance with the decree and the demarcation report. There is nothing on record to indicate that the executing Court travelled beyond the decree. Rather, it confined itself to determining the identity and possession of the land in question, which is well within its jurisdiction.

8. The persons actually shown in possession Muhammad Ismail and Khuda Bux have not challenged the execution proceedings. The petitioner has not been shown either to be dispossessed or threatened

with dispossession pursuant to the execution. His rights, if any, in any other land are not affected.

9. It is well settled that in execution proceedings, the executing Court may enforce the decree in terms of demarcated land, and unless the decree is shown to have been exceeded, interference is not warranted. No illegality, irregularity, jurisdictional defect, or perversity in the impugned orders has been demonstrated.

10. The present petition is therefore misconceived, as the execution does not touch any land claimed by the petitioner nor does it cause any prejudice to him. The challenge is thus without any factual or legal basis.

11. Accordingly, the petition is dismissed in limine with no order as to costs.

JUDGE