

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
R.A No.S-31 of 2026.

<i>DATE</i>	<i>ORDER WITH SIGNATURE OF JUDGE</i>
	For orders on office objections. For orders on C.M.A No.542/26. For hearing of main case.

21.08.2026.

Mr. Irshad Ali Qazi, Advocate for Applicant.

Jawad Akbar Sarwana J.: Applicant (Mst. Zainab Brohi) widow of Abdul Rahim is aggrieved by the Order dated 22.12.2025 passed by the Civil Appellate Court/Additional District Judge-IX, Hyderabad in Civil Misc Appeal No.11 of 2025, wherein the learned Appellate Court upheld the dismissal Order dated 02.05.2025 passed by the 7th Senior Civil Judge, Hyderabad in F.C Suit No.1428 of 2021 dismissing the applicant’s application under Order 40 Rule 1 C.P.C for appointment of receiver.

Counsel for the Applicant submits that, as per the pleadings available on record, all the necessary parties are/were impleaded in the Suit, as the applicant, prior to filing the application for appointment of receiver had also moved an application under Order 6 Rule 17 C.P.C read with Section 151 C.P.C before the Court of 7th Senior Civil Judge at Hyderabad in FC Suit No.1428/2021 on 18.11.2022, available on page No.119 of the file (“the 1st O6 R17 CPC application”), wherein all the interested parties concerned with the suit property viz Agricultural Land in respect of S.Nos.19/A (0-02), S.No.19/B (4-16) and S.No.405 (4-29) admeasuring 09-17 acres of Deh & Tappo Khathar, Taluka District Hyderabad (hereinafter referred to as “the Suit Property”), were eventually impleaded as defendants by the trial Court. He submits that the application for appointment of a receiver over the Suit Property, which was moved thereafter, should have been granted, given that all interested parties in the subject property already stood impleaded in the suit at the material time. He contests the reasons given in the impugned Orders passed by the two lower forums, i.e., that allegedly all parties were not impleaded by the applicant, as unsustainable.

Heard counsel and perused the documents available on record. Both forums, the trial Court and the appellate Court, rejected the Application under Order 40 Rule 1 CPC on the grounds, inter alia, that the receivership would impact those parties in the Suit Property who had not been impleaded as defendants. To assess this issue, with the assistance of the counsel for the applicant/plaintiff, this bench has compared (i) the list of additional defendants indicated in the 1st O6 R17 CPC application filed by the appellant/plaintiff on 18.11.2022 (available on page No.119 of the file) with (ii) the Mukhtiarkar's report dated 18.04.2024 setting out the results of the spot inquiry of the Suit Property listing the occupants who were in possession of and/or were allegedly co-sharers in the Suit Property (available on page 87 of the file). While the trial Court's Order passed on the 1st O6 R17 application is not available on record, and notwithstanding that the copy of this 1st O6 R17 CPC application appears to have a judicial note on the bottom right-hand corner which reads, "Instant application disposed of as not pressed"; and another (second) application under Order 6 Rule 17 CPC read with Section 151 CPC for amendment of the plaint and prayer clause was filed by the applicant/plaintiff on 03.02.2026, is also available on page 135 of the file("the 2nd O6 R17 CPC application"), for the purpose of passing this Order today, I have relied on Counsel's assertion that the persons listed in the first application stood arrayed in the F.C. Suit No.1428/2021, at the time, when the trial Court decided the application under Order 40 Rule 1 CPC on 02.05.2025. On comparing (i) the list of defendants/respondents appearing in the amended title of the plaint filed in the aforesaid FC Suit (also shown as respondents in this revision), with (ii) the Mukhtarkar's list filed in the same suit, learned counsel has candidly conceded that except for Hyder Bux, who is impleaded as one of the legal heirs 12(i) as defendant, none of the other occupants and/or co-sharers, shown in the Mukhtarkar's list, are a party in the said FC Suit No.1428/2021.

Counsel also confirms that the applicant/plaintiff's 2nd O6 R17 CPC application was filed on 03.02.2026, after the passing of the trial Court's Order dated 02.05.2025 and the appellate Court's impugned Order dated 22.12.2025 (dismissing the applicant/plaintiff's prayers to appoint a receiver). The 2026 2nd O6 R17 CPC application for amending the plaint and prayer clause cannot come into play in this civil revision and broaden its scope automatically unless a case is made out in the facts and circumstances of the case for such intervention. In the case in hand, the applicant/plaintiff has not made out any case to read in and/or consider this second application filed in 2026 as arguably clarifying the issues in connection with the additional names and their status as mentioned in

the Mukhtiarkar's List pertaining to earlier years, 2022 to 2025. I find no ground to exercise my powers under the revisionary powers of this (High) Court to enlarge the scope of the civil revision, to consider subsequent events, and reconsider the legality and maintainability of appointing a receiver on the Suit Property in the context of the 2nd application filed in the year 2026.

In view of the above discussion, I am at idem with the rationale and reasoning of the two forums declining the applicant/plaintiff's application for appointment of receivership, inter alia, on the ground that not all parties were impleaded by the applicant/plaintiff as defendants in the suit. Further, the trial Court also appears to have passed an order dated 30.10.2021 wherein all the parties were directed to maintain status quo to the extent of the plaintiff's share in the Suit Property and not to adopt any course which is without due course of law. This would include all defendants impleaded in the array of defendants in the FC Suit, who are/were incidentally also impleaded as respondents, both in the appeal and now before this (High) Court in the civil revision. Assuming that this Order is/was and remains in force till present and is applicable to all the parties in the FC Suit (applicant/plaintiff Counsel did not submit in contra), and given the doctrine of lis pendis, there also does not appear to be any reason, at this stage, for appointment of a receiver, on this score, too. The interests of the appellant/plaintiff in the Suit Property as well as the corpus remain well-secured. I find no need to appoint a receiver, at this stage. The upshot of the above discussion is that there is no lacuna and/or irregularity in the impugned orders passed by the two forums below. Accordingly, the Revision Application for appointment of receiver is dismissed in limine along with all pending application(s).

Suffice to say that as this bench does not have sight of the entire pleadings/R&P file, the observation made herein remains tentative and assumed to be true only for the purpose of deciding this civil revision. Neither party nor the trial Court may rely on such observations, which ultimately remain subject to the evidence brought on record, the ongoing trial and the final judgment and decree announced in FC Suit No.1428/2021.

This civil revision stands dismissed in the above terms.

JUDGE

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