

IN THE HIGH COURT OF SINDH AT KARACHI

Present
Mr. Justice Amjad Ali Sahito

Criminal Revision Application No.50 of 2025

Applicant : Syed Asif Hussain S/o Syed Aas Muhammad
through Mr. Javaid Ahmed Rajput, Advocate

Respondent : Mst. Nighat Sultana W/o Muhammad Azhar
Present in person.

For State:
through Ms. Rahat Ahsan, Addl. P.G.
Sindh

Date of Hearing : 17.03.2025.

Date of Order : 17.03.2025

ORDER

AMJAD ALI SAHITO, J – Being aggrieved and dissatisfied with the order dated 24.02.2025, passed by the learned IVth Additional Sessions Judge, Karachi East; whereby Application under Section 7 of Illegal Dispoession Act, 2005 (IDA) filed by the Respondent was allowed and the SHO concerned was directed to put the complainant/respondent into possession of the subject property in accordance with law.

2. Per learned counsel for the applicant, there was a dispute over the Plot No.524 but learned trial Court has allowed the application on a different plot viz. Plot No.523, as such, it is not the concern to whom the plot is in possession; that time may be granted to the applicant to produce his defence before the trial Court. Lastly, he prays that instant Revision Application may be allowed and the impugned order may be set aside.

3. On the other hand, Respondent as well as learned Addl. P.G. has supported the impugned order as the same is passed with well-reasoned.

5. Heard and perused the record.

6. From perusal of the record it reflects that application under Section 7 of IDA filed by the complainant/respondent for restoration of possession of Plot No.523 measuring 120 Square Yards, situated at "I" Area, Sector 35/D, Korangi, Karachi, which was allowed. In support of her contention, Respondent has produced certain documents and submits that by relying upon the same, learned trial Court has allowed the aforesaid application. It is appropriate to reproduce the Para-4 of the impugned order, which reads as under:

"4. I have considered the respective submissions and have gone through the material available on record in consonance with the relevant provision of law. Perusal of record affirms that the complainant is lawful owner of subject property, which she got through Court and thereafter it was said to have been illegally occupied by the accused. It may be noted that the complainant had filed two complaints under Illegal Dispossession Act, 2005 one complaint being No. 145/2024 Re: Mst. Nighat Sultana v/s. Syed Asif Hussain and another Complaint No. 146/2024 Re: Mst. Nighat Sultana v/s. Waseem & Others. So far, ID No. 146/2024 is concerned, the accused Muhammad Waseem had tendered unconditionally apology and vacated House No.524 and its possession was handed over to complainant. I have also noted that said Muhammad Waseem being accused in ID No.146/2024 also filed his own affidavit in Urdu duly attested by the Incharge Identification Branch of this Judicial District wherein he has specifically stated that two houses viz. 523 & 524 were handed over to complainant through Court order but both houses were illegally occupied by him and present accused. In fact the charge against present accused has been framed and evidence of complainant has also been recorded. Now the case is at the stage of recording evidence of enquiry officer. Since it has been established that the complainant is the lawful owner of the house/plot No.523 supra, thus, under such circumstances, she is entitled for its interim possession."

7. Learned counsel for the appellant has failed to point out any irregularity or illegality in the impugned order. Resultantly, the instant CrI. Revision Application is dismissed.

JUDGE