

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Revision No. S – 266 of 2023

Date of hearing	Order with signature of Judge
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Hearing of case

1. For orders on office objections at Flag-A
2. For hearing of main case
3. For hearing of CMA No.115/2024

16.04.2025

Mr. Zakir Ali Rajpar, Advocate for applicants.

Mr. Abdul Qadir Bhatti, Advocate for respondents No.7, 8, 10(i) to (iii) & (v) to (vii) and 11.

Mr. Ahmed Ali Shahani, Assistant Advocate General Sindh.

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Zulfiqar Ahmad Khan, J. – The present Civil Revision is filed against the order dated 10.08.2021, passed by learned Senior Civil Judge, Mirwah in F.C. Suit No.144 of 2020, whereby the plaint was rejected under Order VII Rule 11, CPC. The applicant has also challenged the judgment and decree dated 02.11.2023 and 08.11.2023, respectively, rendered by learned Additional District Judge, Mirwah in Civil Appeal No.91 of 2021, whereby the appeal was dismissed and the order of the trial Court was maintained.

2. A statement along with several documents is filed by Mukhtiarkar, Faiz Ganj, which is taken on record.

3. At the very outset, learned Counsel for the applicants submits that the controversy raised in the suit involves factual disputes which require evidence and, therefore, the matter may be remanded to the trial Court for decision afresh on merits.

4. Learned Counsel for the respondents raises no objection to the aforesaid proposal. Learned AAG Sindh also concurs and submits that the matter pertains to possession and the legality of the sale deed, the questions which fall outside the jurisdiction of revenue forums and are to be adjudicated by the Civil Court on the basis of evidence.

5. In view of the consensus among the parties, and in the interest of justice, the impugned orders / judgments are set aside. The matter is remanded to the trial Court with directions to proceed with the matter in accordance with law. The trial Court shall frame appropriate issues, record evidence of the parties, and after granting them a proper opportunity of hearing, decide the matter on merits. This exercise shall be concluded within a period of 03 months from the date of receipt of this order. It is clarified that the trial Court shall decide the matter independently, without being influenced by any observations made in the orders previously passed by the Courts below.

The Civil Revision is **disposed of** in the above terms.

J U D G E

Abdul Basit