

**HIGH COURT OF SINDH CIRCUIT COURT**  
**MIRPURKHAS**

**Civil Revision Application No.S-202 of 2024**

Applicant: Ameer Bux s/o Khamiso Rustamani  
In person.

Respondents: 1. Abid Rajput.  
2. Zulfiqar Ali s/o Riyasat.  
3. Gulzar Ali Punjabi  
Through Mr. Nadeem Abbasi, advocate.

4. Mukhtiarkar Revenue Taluka Shujjabad,  
District Mirpurkhas.

5. Assistant Commissioner Taluka Shujjabad,  
District Mirpurkhas.

6. Survey and Settlement department  
District Mirpurkhas.

7. Sub Registrar, Mirpurkhas.

8. Tapedar of beat 145 Taluka Shujjabad,  
District Mirpurkhas.

9. Province of Sindh through Secretary Revenue  
Sindh Secretariat @ Karachi.

Official respondents through Mr. Muhammad  
Sharif Solangi, Assistant A.G

Date of hearing: 08.08.2025

Date of Order: 08.08.2025.

**O R D E R**

**AMJAD ALI SAHITO, J.-** This Civil Revision Application filed by the applicant, whereby he impugned the judgment dated 15-03-2023 passed by learned Additional District Judge-II/ M.C.A.C, Mirpurkhas, in Civil Appeal No.51/2021 (Re. *Ameer Bux vs. Abid Rajput and others*) filed by the applicant was dismissed and order dated 03-03-2021 amounting to decree passed by learned First Senior Civil Judge, Mirpurkhas, in F.C Suit No.12 of 2021 “Re. *Ameer Bux v. Abid Rajput and others*” was upheld, whereby the plaint of the suit was rejected u/o VII Rule 11 C.P.C, hence this Revision.

2. Precisely the facts are that applicant being plaintiff filed suit for declaration, possession and permanent injunction against the above named respondents before the learned trial Court with following prayers:-

- a. That the plaintiff is owner of suit land by virtue of record of rights maintained in the office of private defendants.
- b. That the honourable court issue directions to the private defendants to vacate the suit land and hand over the vacant possession to the plaintiff. In case of failure honourable court depute the *Nazir* of this honourable court to do needful act.
- c. That honourable court grant ad interim injunction against the defendants restraining and prohibiting them not to interfere in the peaceful possession of the suit land by themselves, their agents, sub ordinate, attorney, men, directly and indirectly by any means till the final disposal of the suit.
- d. Defendants pay the costs of the suit.
- e. Any other relief which may deem fit and proper under the circumstances of the case.

3. After admission of suit, respondent/ defendant No.4 *Mukhtiarkar* (Revenue) Taluka Shujjabad, filed report bearing No. MUKH/SHUJ/ SM/ 115 of 2021 dated 02-03-2021 stating therein that no any landed property stands entered in the name of applicant in the record of rights in Deh 145 Taluka Shujjabad, District Mirpurkhas. Then, learned trial Court dismissed the plaint of suit of the applicant under Order VII Rule 11 C.P.C on the ground that his suit was barred under section 42 of The Specific Relief Act. The applicant preferred Appeal against the said order, which was dismissed by learned lower appellate Court vide impugned judgment.

4. Applicant Ameer Bux, in person, submits that the land in question was purchased by him from Sher Khan s/o Ghulam Rasool, Allah Jurio s/o Ghulam Rasool, Mst. Bano w/o Khamiso and Mst. Mariam w/o Lal Bux and such entry No.223 was entered in the record of rights. He further submits that private respondents have illegally occupied the suit land and have managed false and fabricated documents in collusion with the Revenue Staff. He lastly prayed for setting aside impugned judgment and decree passed by learned appellant Court and the order passed by learned trial Court.

5. Learned counsel for the respondents No.1 to 3 supports the order passed by learned trial Court as well as judgment and decree passed by learned appellate Court and submits that respondents No.1 to 3 have no concern with the land in question; that the applicant has no land in Deh 145 Taluka Shujjabad and he filed suit with malafide intention and ulterior motives. He, therefore, prayed for dismissal of instant Civil Revision Application.

6. Learned Assistant A.G, Sindh adopted the same arguments advanced by learned counsel for the respondents No.1 to 3 and further submits that after thorough scrutiny by the Revenue officers entry No.223 was found fabricated and bogus; hence same was cancelled. Lastly, he also seeks dismissal of instant Civil Revision Application.

7. I have heard learned counsel for the parties and have gone through the material available on record.

8. As per claim of the applicant, he purchased suit land i.e. Survey No.64 (00-10 Ghuntas), 66/ 5 (00-10 Ghuntas), 96 (00-10 Ghuntas) and 64/1-A (00-30 Ghuntas), total admeasuring 2-08 acres situated on Mirpurkhas-Digri road Taluka Shujjabad, District Mirpurkhas from Sher Khan s/o Ghulam Rasool, Allah Jurio s/o Ghulam Rasool, Mst. Bano w/o Khamiso and Mst. Mariam w/o Lal Bux and such mutation was affected in his name in the record of rights being entry No.223 and since then he is enjoying the possession of suit land, constructed shops and house

over the suit land. About two months back of filing suit, the private respondents/ defendants forcibly occupied the suit land by claiming that they are owners of suit land and then in collusion with revenue staff managed false, fabricated and bogus documents/ entries in their names. Record shows that applicant has not produced entry No. 223 before the trial Court. However, during pendency of instant Revision application, he filed copy of entry No.223 alongwith *statement* which shows that it relates to S.No.64/2 (00-10 Ghuntas) situated in Deh 145 Tappo Kangoro Taluka Digri, District Mirpurkhas. It is very surprising that such survey number is even not mentioned by the applicant in his plaint. The applicant has not produced any entry/ title document in respect of land in question before the trial court/ learned lower appellate court and even before this Court.

9. The Deputy Commissioner Mirpurkhas, in his report submitted that “as per findings of the Assistant Commissioner Taluka and *Mukhtiarkar* Shujjabad, the impugned entry bearing No. 223 dated Nil of VF-VII(B), concerning Deh 145 Tapa Kangoro, Taluka Digri (Now Tapa Mirwah, Taluka Shujjabad), District Mirpurkhas, has been deemed incomplete and invalid. The said entry has neither been attested or verified by any Revenue Officer, thereby lacking legal standing. This entry was marked as blocked/suspicious in accordance with the directions issued by the Board of Revenue Hyderabad vide letter No.08/ S ENTRIES/BOR/REV-I(II)/324 dated 10<sup>th</sup> March, 2020”.

10. The *Mukhtiarkar* Revenue (E&I), Board of Revenue Sindh, Mirpurkhas in his report submitted that on detailed examination, the entry No. 223 was found to be irregular, inconsistent and unsupported by authentic documentary evidence. Consequently, it has been formally cancelled and classified under the scrutiny category of “**OTHERS**-Not in Conformity”, rendering it unreliable and ineligible for continuation in the official record”.

11. The applicant in rebuttal to such reports of the Deputy Commissioner, Mirpurkhas and *Mukhtiarkar* Revenue (E&I), Board of Revenue Sindh, Mirpurkhas, has not produced any

material on record. He has also not produced any entry/ title document in respect of suit land, so-called registered sale deed regarding purchase of suit land, *Dhal* or *Abiyana* receipt and he has also not challenged the order of the Revenue Officer(s) in respect of entry No.223 of record of rights. Therefore, at present applicant has nothing in his hand in respect of his ownership of the suit land.

12. It is not out of place to mention here that in the “**Facts**” of instant Revision application, the applicant has also mentioned “28 *ghuntas* from Block No. 127/5”; but such fact/ pleading is not mentioned in the plaint, wherein he only mentioned about Survey No.64 (00-10 Ghuntas), 66/ 5 (00-10 Ghuntas), 96 (00-10 Ghuntas) and 64/1-A (00-30 Ghuntas). This aspect of the case coupled with non-production of any title document of the suit land, clearly shows that applicant has not appeared before the Court with clean hands. It has been held in the case of *Ghous Bux Vs. Muhammad Suleman and others* (2001 MLD 1159), which reads as under:-

**-----O.VII,R.11---Plaint, rejection of---Relief not possible to be granted---Effect---Where the suit was meritless and ultimately it was not possible to grant relief sought or no fruitful result thereof was expected to come out, provision of O.VII, R.11 C.P.C would come into play.**

13. The applicant has failed to point out any illegality or material irregularity in the impugned judgment of learned lower appellate Court so also order of trial Court; hence instant Civil Revision Application is dismissed being meritless.

**Judge**