

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Constitutional Petition No.S-20 of 2025

DATE **ORDER WITH SIGNATURE OF JUDGE**

1. For order on M.A No.1396/ 2024.
2. For hearing of main case.

16-02-2026.

Mr. Subash Sharma advocate for the petitioner a/w petitioner.

Mr. Tahseen Ahmed H. Qureshi advocate for the respondents No.1 and 2.

Mr. Ayaz Ali Rajpar, A.A.G.

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1. Both learned counsel have argued the matter at length. Learned counsel for the private respondents has vehemently challenged the maintainability and *locus standi* of the petitioner and has also relied upon case law reported in 2025 SCMR 2087, PLD 1985 SC 153 and PLD 2010 SC 569. After arguing the matter at length, both learned counsel, under instructions of their client, state that they would be satisfied if the matter is remanded to the learned trial Court for expeditious disposal of the case and subject to certain specific directions to the learned trial Court.

2. In view of above, the impugned Order dated 31-05-2024 passed in Civil Revision Application No. 49 of 2022 by learned Additional District Judge-II, Mirpurkhas, is set aside and instant petition is allowed, without prejudice to the rights and contentions of either party and with the following specific directions to the learned trial Court.

3. The Issues dated 30-03-2024 stand modified in following terms and the learned trial Court shall record evidence on the following modified issues, which are being framed by consent of both the parties:-

1. Whether the suit is maintainable?

2. Whether the suit is barred *inter alia*, under Articles 91 and 120 of the Limitation Act, 1908?
3. Whether the plaintiff has *locus standi* to challenge the registered sale deed dated 13-01-2003 and subsequent registered sale deed dated 17-01-2020 on the plea of *benamidar*?
4. Whether the suit discloses a valid and legal cause of action?
5. Whether the suit has been filed with malafide intention and ulterior motives to harass the defendants No.1 and 3?
6. Whether defendant No.3/ Mst. Yasmeen Ahmed is benamidar of the suit land/ house viz plot No.10/A area 300-00 square yards situated at Scheme No.II, Satellite Town, Mirpurkhas, which was purchased by father of plaintiff late Ahmed Khan in the name of Defendant No.3 through registered sale deed No. 72 dated 13-01-2003 in sum of Rs. 1,100,000/= ? If so, whether plaintiff and defendants No.1 to 5 , being surviving legal heirs of late Ahmed Khan, are entitled to inherit the suit land/ house according to their respective share as per Islamic law of inheritance?
7. Whether registered sale deed No. 839 dated 17-01-2020 in favour of defendant No.1/ Sheerin Ahmed in respect of suit land/ house is illegal, void, malafide, false, fraudulent, and the same is liable to be cancelled along with mutation entry created on the basis of such registered sale deed?
8. Whether the defendants No.1 and 3 are entitled for compensatory cost in case of dismissal of the plaintiff's claim?
9. Whether the plaintiff is entitled for the relief as claimed?
10. What should the decree be?

4. It is further ordered by consent that, the learned trial Court shall expeditiously conclude the trial, based upon the above issues; without allowing any unnecessary adjournment to any of the parties and in this regard, no indulgence shall be granted to the plaintiff as an Advocate or to any of the parties. The trial be concluded and judgment be passed within a period of 30 days from the date of receipt of this Order, and Judgment be passed while

considering the evidence of the parties and the Judgments recorded above as relied upon by learned counsel for the Respondents. At the conclusion of trial, learned trial Court shall send a copy of the Judgment to the Additional Registrar of this Court, in compliance of the above time limit.

5. The petition alongwith listed application, therefore, stands disposed off in the above terms.

JUDGE

Saleem

