

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH**  
**CIRCUIT COURT MIRPURKHAS**

Civil Revision Application No.S-421 of 2024

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For orders on M.A No.1214/2020
2. For hearing of main case.

17.03.2026

Mr. Parshotam K. Khatri, advocate for the applicant.  
Mr. Mir Muhammad Nohri, advocate for private respondents.  
Mr. Muhammad Shareef Solangi, Assistant A.G Sindh.  
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The controversy involved in this matter is that plaint was rejected under Order VII Rule 11 C.P.C which was concurrently upheld by the learned Appellate Court. The contentions of the learned counsel for the applicant is that clear allegations of fraud were alleged and date of cause of action was also mentioned, however, same was rejected under Order VII Rule 11 C.P.C in violation of repeated Judgments of the Superior Courts. The contentions of learned counsel for the private respondents is that the suit has been filed merely to drag the proceedings whereas registered sale deed is in the favour of the respondents and possession has also been handed over to the respondents based on such sale deed.

After arguing the matter at length, both the learned counsel, under the instructions, state that they would be satisfied if the matter is remanded back to the learned trial court with specific directions for expeditious disposal of the same. Order accordingly.

In view of the above, the instant Civil Revision Application is allowed and the impugned Order dated 03.08.2019 passed by learned

Additional District Judge-II, Umerkot in Civil Appeal No.25/2019 and Order dated 22.05.2019 passed by learned Senior Civil Judge-I, Umerkot in F.C Suit No.163/2016 are set-aside and the plaint is restored to its original position and the matter is remanded back to the learned trial court with direction to frame proper issues including issues of limitation, maintainability and cause of action and thereafter to record evidence of both the parties and decide the case positively within 30 days from the date of receipt of this Order and compliance report alongwith copy of Judgment be filed with the Additional Registrar of this Court. Learned counsel for the applicant undertakes that no adjournment shall be sought by him before the learned trial court and in case any adjournment is sought by him, he shall pay cost of Rs.10,000/- per adjournment. Such undertaking is recorded which is intended for expeditious disposal of the trial within 30 days, as ordered by consent of the parties.

The instant revision application is disposed of alongwith listed application in above terms.

**JUDGE**

*\*Faisal\**