

# HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

## R.A No.S-50 of 2019.

(Abdul Rasheed Khan Vs. Muhammad Ikhlq & others)

**Applicant** : NEMO.

**Respondent No.1 (a to d)** : Through Mr. Muhammad Saleem Hashmi Quraishi, Advocate.

**Respondent No.2 to 9** : NEMO.

**Date of hearing** : 20.04.2026.

**Date of Decision** : 28.04.2026.

## J U D G M E N T

**Syed Fiaz ul Hassan Shah, J:-** Through this Civil Revision Application, the Applicant has impugned the Judgment dated 07.01.2019 and Decree dated 14.01.2019, whereby the learned Additional District Judge-V, Hyderabad dismissed Civil Appeal No.153 of 2013 (Re: Muhammad Iqbal & others Vs Muhammad Ikhlq & others) filed by Respondent No.5 to 7 against the Judgment dated 30.07.2013 and preliminary Decree dated 31.07.2013 passed by learned 1<sup>st</sup> Senior Civil Judge, Hyderabad in F.C Suit No.82 of 2008 (Re: Muhammad Ikhlq Vs Muhammad Iqbal & others).

2. Counsel for Respondent No.1 states that original property was left by deceased Muhammad Khan, which devolved upon Respondent No.1 to 7 for which Respondent No.1 & 2 instituted Suit No.82 of 2008 for Partition, Possession and Mesne Profits against the Applicant arrayed as Defendants. He further submits that since the property was let out on rent, therefore, prayer for mesne profit was made. Against the said Judgment dated 30.07.2013 of interim Decree passed by learned 1<sup>st</sup> Senior Civil Judge, Hyderabad (Trial Court), an Appeal was preferred by Respondent No.5 to 7 bearing No.153 of 2013 but same was dismissed vide Judgment dated 07.01.2019 by the learned Additional District Judge-V, Hyderabad which has been impugned before this Court in this Revision Application.

3. The Counsel for Respondent candidly admittedly that legal heirs would have no objection to the extent of share of Muhammad Iqbal if he had sold it to Applicant Abdul Rasheed Khan, as the both the Courts rightly observed that Respondent No.1, 2, 3, 4, 6 & 7 had never executed a power of attorney nor instructed Respondent Muhammad Iqbal to execute sale deed in favor of Applicant in respect of Suit property only i.e. D/111 Plot Block "C" Unit No.8 Latifabad, Hyderabad, therefore, against such fraudulent transfer a final Decree has been passed which included set aside of fraudulent compromise Decree dated 05.12.2009 obtained through fraud and misrepresentation by applicant and Respondent No.5 (Muhammad Iqbal).

4. It appears that in the meanwhile, Trial Court passed final Decree so also Execution Application No.37 of 2020 for the enforcement of final Judgment and Decree of partition has also been allowed and the Suit property has put for auction while cancelling the sale deed of the Applicant purportedly executed by Respondent Muhammad Iqbal as alleged attorney of the Respondents all legal heirs unauthorizedly. Such Judgment & Decree upheld in C.A No.167/2022 by learned Additional District Judge-VI, Hyderabad.

5. In view of above, instant Revision Application stands **dismissed** alongwith pending application(s), if any, with no order as to costs.

JUDGE

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