

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
R.A No.S-268 of 2021.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

27.08.2026.

None present.

The applicant, Muhammad Sadique s/o Allah Warayo-plaintiff/appellant is aggrieved by the orders passed by the two forums below, mainly, the Court of Senior Civil Judge, Hala ("the trial Court"), Order dated 07.05.2021 in FC Suit No.56/2021, and the Additional District Judge Hala/Model Civil Appellate Court (MCAC) Hala ("the appellate Court"), Order dated 06.09.2021 in Civil Appeal No.35/2021. The civil revision was instituted in this (High) Court on 09.11.2021, and pre-admission notice was issued to the respondents, including the legal heirs of Mohammad Juman s/o Mohammad Suliman, on 18.03.2022. It was listed twice thereafter, and none are present today (27.08.2026). No intimation has been received.

Based on the perusal of the plaint, available from pages 13 to 23, Muhammad Sadique s/o Allah Warayo, applicant, filed a civil suit for Declaration, Cancellation of Allotment/Mutation, and Permanent and Mandatory Injunction against the LR's of Muhammad Juman on 24.04.2021, claiming ownership rights in a shop bearing no.185/10- A/B situated at Dargah Road Gajini Muhalla Hala ("Suit Shop"). In the pleadings, applicant, Muhammad Sadique, alleged that he received physical possession of the Suit Shop from Muhammad Juman in 1984 and thereafter set up his business in the name and style of "Sindh Photostate Shop". However, he alleges in the plaint that after Muhammad Juman's death on 13.03.2017, his legal heirs, that is, respondent No. 1/defendant No. 1, tried to dispossess the applicant/plaintiff; and the applicant/plaintiff filed MRC No.03 of 2020 against the said defendant Muhammad Juman and began depositing rent concerning the Suit Shop in the Rent Court. Yet, as recorded by the applicant/plaintiff, the respondent no.1/defendant no.1-LRs of Muhammad

Juman commenced eviction proceedings against him vide Execution No.09 of 2020. As per paragraph 9 of the plaint, it appears that the applicant/plaintiff has claimed ownership rights in the Suit Shop based on "possession" as opposed to title. Indeed, the applicant/plaintiff claims in paragraph 8 of the plaint that the title to the property was with Muhammad Juman, but instead of pleading his title and ownership, he contests in the said paragraph 8 that the LR's of Muhammad Juman do not have title and thus seeks a negative declaration and ultimately, cancellation of the allotment order dated 04.12.1969 and entry dated 10.08.1970 as well as cancellation of certain other mutation entries in favour of the deceased Muhammad Juman.

Given the above, the facts, as pleaded by the applicant/plaintiff, do not, in themselves, inspire confidence in his claim. The averments are entirely floating in the air and are not supported by any documentary evidence. Indeed, the applicant/plaintiff has himself admitted that he was a tenant, which explains why he deposited MRC. He relies on no document to establish his title to the Suit Shop – neither any allotment letter nor any agreement to sell nor any other transfer document is found on record. The list of documents attached to the plaint, available on page 23 of this application, does not help the applicant/plaintiff's cause. Last but not least, the applicant/plaintiff seeks cancellation of a document pertaining to the year 1969 and 1970, which he never challenged during the lifetime of the alleged owner, Muhammad Juman. Indeed, if the pleadings are correct and Mohammad Juman expired on 16.03.2018, the applicant waited for yet another three years to agitate his claims against the LR's of Muhammad Juman on 24.02.2021, by way of the FC Suit. Clearly, sans any claims made during the lifetime of the owner, the applicant/plaintiff has no cause to challenge the ownership of the LR's of Muhammad Juman, now, i.e. respondent no.1/defendant no.1.

On the facts and circumstances, the trial Court concluded that no cause of action was made out and rejected the plaint under Order VII Rule 11(a) and (d) C.P.C., with no order as to costs. Muhammad Sadique challenged this order before the Additional District Judge, Hala / Model Civil Appellate Court in Civil Appeal No.35 of 2021; however, the appellate Court dismissed it vide order dated

06.09.2021, and I find no material available to fault the appellate order impugned in this civil revision.

I have perused the impugned orders and do not find any illegality or legal infirmity or irregularity in the said Orders. Additionally, the applicant/plaintiff, Muhammad Sadique, has not placed any material on the status of the proceedings before the Rent Controller or his title. In view of the facts and circumstances discussed, this Civil Revision Application is dismissed.

Sd---Jawad Akbar Sarwana
Judge