

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Const. Petition No.S- 133 of 2026

Mr. Tarique Haneef G. Mangi, Advocate along with petitioner.
Mr. Muhammad Nasir Malik, Advocate along with respondent No.1.
Mr. Ali Raza Baloch, Additional Advocate General.

Date of Hearing : 12-10-2026
Date of Order : 12-10-2026

ORDER

MUHAMMAD HASAN (AKBER), J:- This petition has been pending since 2013, and vide order dated 06.05.2026, it was ordered to be fixed before a Single Bench. Both learned counsel for the parties have argued their respective cases in detail. The only controversy in this case is that the first F.C. Suit No. 59 of 2012, filed by the petitioner, was allowed to be withdrawn by the learned trial Court, with permission to file a fresh suit, vide order dated 18.05.2013, which was assailed by respondent No.1 in Civil Revision No. 18 of 2013, filed on 31.05.2013. The said Civil Revision was allowed vide impugned order dated 24.10.2013, whereby the learned trial Court was directed to proceed with the First Suit and the order granting permission to file a fresh suit was set aside.

2. Both learned Advocates have ably assisted this Court on the issue. Firstly, upon perusal of the plaint of the **First F.C. Suit No. 59 of 2012** was compared with the prayers made in the **Second F.C. Suit No. 179 of 2013**, which reveals that in the First F.C. Suit, no prayer for cancellation of Deed No. 191 dated 24.06.1953 was sought, whereas the same was subsequently prayed for in the Second Suit. The second conspicuous issue, as pointed out by learned counsel for respondent No. 1, is that during the pendency of the First Suit, the subject property was transferred by the petitioner, which, according to him, is hit by the principle of *lis pendens*.

3. After arguing the matter at length, learned counsel for both sides submit that the instant petition may be disposed of in the terms that the learned trial Court in the **Second F.C. Suit No. 179 of 2013** be directed to frame Issues on both the above contentions, in addition to the other issues; and be also directed to decide the case expeditiously within a reasonable period. Order accordingly. The impugned Order dated 24.10.2013 passed

by Revisional Court is therefore set aside by consent of the parties, and the learned trial Court in the **Second F.C. Suit No. 179 of 2013** is directed to allow respondent No.1/defendant to file written statement, whereafter the trial Court shall frame Issues, record the evidence of both parties, and decide the suit expeditiously within a period of 90 days from the date of receipt of this order without allowing any unnecessary adjournment to either side, and a Compliance Report be submitted to the Additional Registrar of this Court. The trial Court is further directed to frame the following two Issues, in addition to other Issues which the trial Court may deem appropriate:

“(i) What would be the effect of seeking permission for cancellation of Deed No. 191 dated 24.06.1953 by the plaintiff in the Second Suit, when no such relief was sought in the First Suit?

(ii) Whether the subject property was transferred during the pendency of the First Suit, and, if so, whether the same is hit by the principle of *lis pendens* and to what effect?”

4. The instant petition, along with pending application(s), stands disposed of in the above terms. The office is directed to communicate this Order to the learned trial Court.

J U D G E