

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**R.A No.S-206 of 2019.***[Ali Muhammad Vs. Gul Muhammad]*

Applicant : Ali Muhammad **through** Mr. Mazhar Ali Laghari,
Advocate.

Respondent : Gul Muhammad **through** Mr. Muhammad Fayaz
Arain, Advocate.

Date of Hearing : 01.12.2025.

Date of Decision : 01.12.2025.

Date of Reasons : 17.10.2026.

ORDER

Jawad Akbar Sarwana, J :- Gul Muhammad son of Muhammad Umer respondent-plaintiff had filed F.C Suit No.84 of 2014 in the court of Senior Civil Judge-I, Tando Muhammad Khan ("**Trial Court**") against the applicant/defendant (Ali Muhammad son of Kehar) for recovery of sale agreement, possession, mesne profit and permanent injunction. After the said suit was dismissed by the Trial Court, thereafter, the respondent / plaintiff filed Civil Appeal No.32 of 2019 before the District Judge, Tando Muhammad Khan ("**Appellate Court**"). After hearing the parties, the Appellate Court set-aside the Judgment and decreed the suit as prayed based on the evidence recorded in the R&P of the Trial Court. Now, the applicant / defendant preferred this Civil Revision. However, during the course of hearing, after this Revision was dismissed for non-prosecution on 28.02.2022, the matter kept lingering on for hearing of the Restoration Application, which was filed within time, when on 12.11.2025 when respondent / plaintiff did not turn up, this bench directed the Executing Court to issue notices to the Mukhtiarkar regarding the status of the impugned Judgment and Decree. The Mukhtiarkar approached the court and filed certain documents, wherein as per the material brought on record by the Revenue Authorities before this Bench, it is clear that for complete adjudication of the matter as the Revenue authorities were never impleaded

as the party in the Trial Court and the information, which has been placed on record in this Revision require scrutiny and consideration at the trial stage, therefore, the matter be remanded to the Trial Court to be decided afresh to enable the Trial Court to factually and completely adjudicate upon and settle all the questions involved in the Suit, after impleading the concerned Revenue Authorities in the hierarchy as a party in this lis, including the concerned Mukhtiarkar and Assistant Commissioner, Tando Muhammad Khan and issuing notice to them as defendant No.2 as well as extending time to them to file written statement, reframe additional issues, record evidence and decide the matter afresh. Another aspect requires consideration on account of restoration of the Revision vide order dated 01.12.2025 and subsequent hearing of this Revision. This is that as the execution proceedings which were suspended prior to the dismissal of the Revision recommenced (execution was restored) after the Revision was dismissed for non-prosecution during such period the execution was also allowed. Consequently as per progress report dated 18.01.2025, writ of possession was issued against the applicant-defendant. Therefore, while this matter is remanded parties will maintain status-quo till the Trial Court decides the case, afresh after giving parties opportunity of hearing following the evidence of the Revenue Authorities. The Civil Revision was disposed of by me vide the following short order;

“...this revision application is disposed of on the ground that the Revenue Authorities have brought material documents on the record of this Court in Revision which requires scrutiny and consideration by the trial Court. As the Revenue Authorities were never impleaded as parties in the trial Court, such documents have not been considered in the impugned judgment and decree passed by the trial Court. Therefore, to enable the trial Court to effectually and completely adjudicate upon and settle all the questions involved in the suit, the case is remanded to the trial Court to decide the matter afresh, after impleading the concerned Revenue Authorities as a party in the lis and issuing notice to them as defendant No.2 and extending time to file Written Statement, thereafter framing additional issues to the extent of such Written Statement filed by the revenue authorities, recording evidence and deciding the matter afresh. The trial Court is directed to

complete this exercise within six (6) months from the date of receipt of the order with reasons.”

The above are my reasons.

J U D G E

Ali.