

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

2nd Appeal No.S-83 of 2025

[Muhammad Kaleem and 10 others v. Deputy Commissioner, Hyderabad and others]

1. For order on office objection (s)
2. For order on C.M.A No.1529/2025
3. For hearing of main case

Date of hearing: 29.10.2025

Date of Order: 29.10.2025

Date of reasons: 17.10.2026

Mr.AslamBaigLeghari, Advocate for the appellants

ORDER

JAWAD AKBAR SARWANA, J: Muhammad Kaleem and 10 other appellants are aggrieved by the orders passed by the two forums hereinbelow, whereby the claim of the appellants in respect of the subject property allegedly comprising 26 acres situated in DehBhooraRayrati, Survey No. 8, seeking a declaration thereto was summarily rejected.

2. Heard counsel. I have perused the order dated 18.01.2025, passed by the V-Senior Civil Judge, Hyderabad (“Trial Court”) in F.C. Suit No. 103/2025, wherein the Trial Court dismissed the plaint on the ground that the plaintiffs had failed to file any proof of title in respect of the subject property. Further, the plaintiffs, in their plaint, had admitted that the said property was Government land and could not produce any licence in support of their claim to ownership. The plaintiffs had also alleged that defendants Nos. 7 and 8 had attempted to encroach upon their property; yet, at the same time, the Trial Court observed that they had not availed the alternate remedy available under the Sindh Public Property (Removal of Encroachment) Act,

2010. Counsel for the appellants pleaded before the appellate Court that they wished to amend the pleadings and place on record the title documents, which, according to counsel, consisted of utility bills. However, upon perusal of the record, it appears that although an application under Order VI Rule 17, C.P.C., is available on record, at the appellate stage there is no reference to any such utility bills. Notwithstanding that utility bills are not documents of title, the appellants ought to have moved the application under Order VI Rule 17, C.P.C., before the Trial Court at the earliest, rather than wait to file the same before the appellate Court, which suggests that the application is/was an afterthought.

Given the above, I do not find any irregularity in the impugned orders passed by the two forums below, warranting interference by this Court. Accordingly, this appeal is **dismissed** in *limine* in the above terms, along with the listed application.

JUDGE

AHSAN K. ABRO