

THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Zulfiqar Ali Sangi

C.P. No. S – 1325 of 2025

[Rabia Aslam v. Muhammad Aslam & others]

Petitioner : Rabia Aslam widow of Aslam Baloch,
through Mr. Arsalan Wahid,
Advocate.

Respondent 1 : Muhammad Aslam son of Ali Hassan
[since deceased] through his Legal Heirs
namely; Mst. Jahan Begum and others
through Mr. Saifullah Abbasi,
Advocate.

Respondents 2-4 : Nemo.

Date of hearing : 19-10-2026

Date of decision : 19-10-2026

ORDER

Zulfiqar Ali Sangi J.- The case of the Petitioner, in brief, is that Respondent No.1 instituted Civil Suit No. 916 of 2010 before the learned IXth Senior Civil Judge, Karachi (East), seeking declaration, possession, mesne profits and permanent injunction against Defendant No.1, the Petitioner herein. Vide judgment and decree dated 05-03-2011, the learned Trial Court decreed the suit in terms of prayer clause (e) of the plaint.

2. Thereafter, the Petitioner filed an application under Section 12(2) read with Section 151 CPC, which was dismissed by the learned Trial Court vide order dated 02-03-2013 after hearing the parties, with no order as to costs. Being aggrieved, the Petitioner preferred Civil Revision No.23 of 2013 before the learned IIIrd District & Sessions Judge, Karachi (East), challenging the order dated 02-03-2013 passed in Civil Suit No. 916 of 2010 and Execution No. 08 of 2011. The revision was dismissed vide order dated 03-04-2013 on the ground that the revision could not be entertained against a deceased person.

3. Thereafter, the Petitioner filed a review application under Section 114 read with Order XLVII, Rule 1 CPC and Section 22 of the General Clauses Act, 1897, seeking re-call and setting aside of the order dated 03-04-2013. Vide order dated 13-08-2013, the learned revisional Court allowed the review application, re-called the earlier order and fixed the revision for hearing. Upon hearing the parties, the learned revisional Court vide judgment dated 25-11-2013, dismissed the revision, holding that the impugned order was in accordance with law and did not warrant interference; hence the instant petition.

4. Counsel for the Petitioner contends that the Bailiff is attempting to take possession of Plot No.293, whereas the judgment and decree in question pertain to Plot No.292, measuring 161.33 Sq. Yards., situated at Model Village Safari Park (Hussain Hazara Goth), Deh Okewari, Taluka, Karachi (East). This factual position is also acknowledged by counsel for Respondent No.1.

5. However, counsel for the parties after advancing arguments at length have mutually agreed to the disposal of the instant petition by directing the Executing Court to demarcate Plot No.292 measuring 161.33 Sq. Yards., situated at Model Village Safari Park (Hussain Hazara Goth), Deh Okewari, Taluka, Karachi (East) and upon due identification thereof, ensure delivery of possession of the said plot to Respondent No.1, namely Muhammad Aslam (since deceased), through his legal heirs, in accordance with the judgment and decree dated 05-03-2011. It is clarified that no execution process shall be undertaken in respect of Plot No.293 or any other property not covered by the said judgment and decree.

6. With the consent of counsel for both the parties, the instant petition stands disposed of in the above terms.

JUDGE

SHABAN*