

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Civil Revision No. S-217 of 2025

Applicant : Muhammad Saleh and others through Mr. Hassan Mal Bheel, Advocate

Respondents : Muhammad Tayyab and others through Mr. Toseef Ahmed Chandio, Advocate for the Respondents Nos. 1 to 4 and Mr. Muhammad Sharif Solangi, Asst. Advocate General Sindh for the Respondents Nos. 5 to 12

Date of Hearing : 31.08.2026

Date of Order : 08.09.2026

ORDER

Muhammad Humayon Khan, J.: The Applicants filed a suit for declaration, cancellation, partition, separate possession and mandatory and permanent injunction against the Respondents before the learned Senior Civil Judge, Shahdadpur, which was dismissed in *limine* by Order dated 24.02.2022. Against the said Order, the Applicants filed Civil Appeal No. 33 of 2022 which was also dismissed by the Learned Additional District Judge, Shahdadpur, by Order dated 16.08.2023 and against both the Orders the Applicants have now filed this revision application under s. 115 of the CPC. The suit was a partition dispute between an area of land jointly owned by the Applicants and the Respondents Nos. 1 to 4 through their propositus, Lakhadino son of Sachidino. The area of land under dispute is 33-20 acres in Deh Maldasi Rati, Tapo Jama Taluka Shahdadpur, and is located on survey numbers described in the plaint.

2. On 31.08.2026, when the matter was taken up before me, after some arguments the learned Counsel for the parties agreed that the private parties would be satisfied if the land was partitioned according to their respective shares and strictly in accordance with the law. Consequently, by consent of the parties, and without touching the merits of the case, this revision is disposed of along with any listed applications in the following terms:

- i) The impugned Orders of both the learned Courts below are set-aside.
- ii) Any previous orders relating to partition proceedings of the suit land, including any Orders in appeal before any revenue court, are also set-aside.
- iii) The partition proceedings under s. 135 of the Sindh Land Revenue Act, 1967, as initiated before the Respondent No. 7 shall be deemed to be

pending *de novo*. The Respondent No. 7 shall be bound to issue/ repeat notices to all the joint owners and all concerned and to conduct a fair and lawful partition of the suit land in a manner that safeguards the rights of all the parties. Any party who wishes to directly appear before the Respondent No. 7 and waive notices shall be at liberty to do so.

- iv) If any party is aggrieved of the partition, when it is so made, they shall be within their right to invoke the relevant appellate hierarchy as per the 1967 Act.
- v) The partition proceedings shall be conducted subject to all legal principles, formalities and procedures and completed within sixty days of this Order positively, and in case of any delay, the parties shall be at liberty to file an appropriate application before this Court.
- vi) In these terms, Civil Appeal No. 33 of 2022 before the learned District Judge, Shahdadpur, and the F.C. Suit filed before the learned Senior Civil Judge are also disposed of.
- vii) Office is directed to communicate a copy of this Order to the official Respondents for information and expeditious compliance.

JUDGE

****Faisal****