

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Civil Revision Application No. S-117 of 2025.

Petitioner(s) : Abdul Nabi and others, all petitioners are represented *through* Mr. Vinod Kumar G. Jesrani, Advocate

Respondents : Sikandar Ali and others, Respondents No. 1 to 7 are represented *through* Mr. Rafiq Ahmed K. Abro, advocate

Official Respondents : *Through* Mr. Abdul Waris Bhutto alongwith Abdul Salam, Assistant Commissioner, Qubo Saeed Khan and A.S.I. Muhammad Hanif Brohi of P.S. Qubo Saeed Khan

Date of Hearing : 11-09-2026

Date of Judgment : 11-09-2026

JUDGMENT

Ali Haider 'Ada' J.- This Civil Revision Application assails the order dated 03.06.2025 passed by the learned Senior Civil Judge, Shahdadkot (the learned Trial Court), whereby the application for stay was allowed in favour of respondents. The said order was challenged before the learned appellate Court; however, the appeal was unsuccessful.

2. Learned counsel for the petitioner primarily contended that, by the impugned order, the learned trial Court had restrained the petitioner from raising construction for an indefinite period, until final disposal of the suit. According to learned counsel, such an indefinite restraint is beyond the scope of law and, therefore, the petitioner was constrained to invoke the revisional jurisdiction of this Court.

3. Conversely, learned counsel for respondent No. 1 to 7 submitted that the controversy between the parties relates, inter alia, to the raising of construction and that, during the pendency of the

proceedings, further construction had been raised. It was, therefore, contended that the learned trial Court had rightly passed the order of restraint, which was subsequently maintained by the learned appellate Court. However, learned counsel fairly pointed out that, while disposing of the appeal, the learned appellate Court directed the learned trial Court to conclude the trial within a period of three months. It was, thus, submitted that the grievance regarding continuation of the stay for an indefinite period has, in effect, been rendered academic by the said direction. Learned counsel also placed the case diary on record, from which it appears that the evidence of the official functionaries is in the process of being recorded.

4. Learned Assistant Advocate General, contended that the dispute between the parties concerns the raising of construction. He submitted that, if the learned Trial Court is directed to proceed with the trial expeditiously and conclude the same within the time already stipulated by the learned appellate Court, the controversy raised in the instant revision would substantially stand addressed.

5. Heard learned counsel for the parties and perused the material available on record.

6. Upon perusal of the entire material, it appears that the learned trial Court had restrained the petitioner from raising further construction during the pendency of the suit. Since the question of raising construction itself is a matter directly involved in the controversy before the learned trial Court, the grant of interim restraint, in the circumstances of the case, does not call for interference in revisional jurisdiction. At the same time, an interim injunction cannot ordinarily be permitted to continue for an indefinite period so as to effectively prolong the proceedings or prejudice the rights of either party. Such a course would not be justified where the underlying lis can be resolved through expeditious conclusion of the trial.

7. However, the grievance of the petitioner regarding the duration of the restraint has substantially been addressed by the learned appellate Court, which, while disposing of the appeal, specifically directed the learned trial Court to conclude the trial within a period of three months. Such direction sufficiently safeguards the legitimate concern of the petitioner regarding protraction of the proceedings. The said direction, therefore, needs to be implemented in its true letter and spirit.

8. In view of the foregoing, no illegality, material irregularity or jurisdictional defect has been pointed out in the concurrent orders of the Courts below warranting interference by this Court in exercise of its revisional jurisdiction. Consequently, the instant Civil Revision Application is dismissed.

JUDGE