THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Present:
Justice Jawad Akbar Sarwana

R.A.No. 137 of 2025

Applicants	:	(1) Jalal Khan s/o Muhammad Bux, (2) Noor Bibi d/o Muhammad Ali w/o Jalal Khan, (3) Dost Ali s/o Jalal Khan and (4) Khalid s/o Jalal Khan through Mr. Muneer Ahmed Channa, Advocate
Respondent No.1	:	Abdul Hakeem s/o Muhammad Bux Birahmani. **Nemo**.
Respondent No.2	:	Mukhtiarkar (Revenue) Sehwan
Respondent No.3	:	Sub-Registrar Sehwan
Respondent No.4	:	Province of Sindh through Secretary Board of Revenue, Shahbaz Building, Thandi Sarak, Hyderabad through Mr. Muhammad Yousuf Rahpoto, Assistant A.G, Sindh.
Date of Hearing & short Order	:	25.11.2025
Date of Reasons	:	10.11.2026

JUDGMENT

JAWAD AKBAR SARWANA, J: Applicants/respondents/defendants [(i) Jalal Khan, (ii) Noor Bibi, (iii) Dost Ali, and (iv) Khalid] are aggrieved by the judgment dated 12.08.2025 **["impugned Judgment"]** passed by the learned Additional District Judge, Sehwan **["the appellate Court"]** in Civil Appeal No.50 of 2024 filed by the respondent No.1 [Abdul Hakeem Birahmani] setting aside the order dated 20.09.2024 passed by the learned Senior Civil Judge, Sehwan **["the trial Court"]** in F.C. Suit No.84 of 2024 whereby the plaint filed by the respondent No.1 was rejected under Order VII Rule 11 CPC.

2. The background of this case concerns an agricultural land dispute between the two sons of Muhammad Bux Birahmani: Jalal Khan Birahmani and Abdul Hakeem Birahmani. Jalal Khan Birahmani, his spouse (Noor Bibi), and their two sons, namely Dost Ali (applicant No.3) and Khalid (applicant No.4) claim that the applicant Nos. 3 (Dost Ali) and 4 (Khalid) initially filed F.C. Suit

No.100 of 2022 before the Senior Civil Judge, Sehwan, seeking Declaration, Possession, Partition, Mesne Profits, and Permanent Injunction, which suit is currently pending trial and, therefore, in the presence of this suit, Suit No.84 of 2024 is not maintainable, and the plaint was rightly rejected. In Suit No.100 of 2022, the applicants, Dost Ali and Khalid, impleaded their Uncle, Abdul Hakeem/respondent No.1, and his sons/cousins, Ali Akbar Birahmani and Shahnawaz Birahmani. Be that as it may, as per Ali Akbar's written statement (available at Page-121 of the revision), he has submitted in his defence that the subject property has been sold to him by Jalal Khan (applicant No.1) and Mst. Noor Bibi (wife of applicant No.1). Notwithstanding the foregoing, it appears that during the pendency of F.C. Suit No.100/2022, Ali Akbar Birahmani (son of respondent No.1) filed F.C. Suit No.13/2023 for Specific Performance, claiming ownership rights under an agreement to sell (available at Page-147 of the revision) wherein he impleaded all four applicants of this revision, namely, his uncle Jalal Khan and aunt Noor Bibi and their two sons/cousins, namely Dost Ali and Khalid as defendants as well as arraying other official defendants. However, the trial Court also dismissed this suit under Order XVII Rule 3 CPC due to Ali Akbar's default in depositing the balance sale consideration. Aggrieved, respondent No.1 (Abdul Hakeem Birahmani) filed Civil Appeal No.63 of 2023, which was allowed vide judgment dated 07.10.2025, and the matter was remanded to the trial Court. Counsel confirmed that F.C. Suit No.13 of 2023 is also pending hearing before the trial Court. Subsequently, Abdul Hakeem (respondent No.1 and father of Ali Akbar) also filed F.C. Suit No.84 of 2024 against the four applicants of this revision, alleging that he actually purchased the suit land and that Jalal Khan and his two sons, Dost Ali and Khalid, are the benami owners. However, the trial Court rejected the plaint filed in Suit No.84 of 2024 as barred under Section 42 of the Specific Relief Act vide order dated 20.09.2024, against which Abdul Hakeem preferred Civil Appeal No.50/2024 before the Additional District Judge, Sehwan, which was allowed vide judgment dated 12.08.2025 to the extent that the matter was/is remanded to the trial Court with directions to decide the case on merits. Now aggrieved by this appellate judgment, the applicants have preferred the present Revision Application.

3. Clearly triable issues are involved which require recording of evidence and cannot be adjudicated summarily. These issues encompass the claims raised by Dost Ali and Khalid in F.C. Suit No. 100/2022 and by Abdul Hakeem in F.C. Suit No.84/2024 which are also pending before the same Court. Given

the cross claims filed by the parties against each other, *inter se*, and to enable the Court to effectually and completely to adjudicate upon and settle all the questions involved in the suit, this Civil Revision Application was dismissed with direction to the learned trial Court to proceed with all three (
03) Suits namely F.C. Suit No.13/2023, F.C. Suit No.100/2022 and F.C. Suit No.84/2024, expeditiously and dispose of the same within nine (09) months from the date of receipt of the order with reasons.

4. The above are now the reasons for the short order passed by me on 25.11.2025.

5. Needless to mention that the observations made herein are merely tentative and shall not be relied upon by the parties or by the trial Court and shall not influence the final outcome of the trial, which will be based on merits after recording of evidence.

6. The above are the reasons for my short order dated 25.11.2025.

JUDGE

Tufail