

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA

Civil Revision No. S-62 of 2026.
(Khan Muhammad and others vs Muhammad Nawaz and others)

Before;

Mr. Justice Ali Haider 'Ada'.

Applicants : Khan Muhammad & others, through
Mr. Abdul Rehman Bhutto, Advocate.

Respondents : Muhammad Nawaz and others.

Date of Hearing : 03.08.2026.
Date of Order : 03.08.2026.

O R D E R

Ali Haider 'Ada', J.- Through the instant Civil Revision Application, the applicants have assailed the order dated 21.05.2026 passed by the learned Additional District Judge, Thull, in Civil Appeal No.51 of 2025, whereby the order of the learned Senior Civil Judge-II, Jacobabad, allowing the application under Order VII Rule 11, C.P.C., filed by the present applicants (defendants before the trial Court), was set aside and the matter was remanded to the learned trial Court for decision on merits.

2. Briefly stated, the respondents instituted a suit for declaration and permanent injunction, asserting that fraudulent mutations and revenue entries had been made whereby they were unlawfully deprived of their ownership rights in the suit property. They sought a declaration that they are the lawful owners of the suit property by virtue of inheritance and further prayed for restoration of the original revenue entries in accordance with their inherited rights. During the pendency of the suit, the present applicants, being the defendants, moved an application under Order VII Rule 11, C.P.C., seeking rejection of the plaint. The learned trial Court accepted the application and rejected the plaint. Feeling aggrieved, the respondents preferred a civil appeal before

the learned appellate Court, which, after hearing the parties, allowed the appeal, set aside the order of the trial Court, and remanded the matter for trial on the merits. It is this remand order which has been impugned through the instant civil revision application.

3. Learned counsel for the applicants contended that the learned trial Court had passed a well-reasoned and speaking order while allowing the application under Order VII Rule 11, C.P.C., and, therefore, the learned appellate Court was not justified in remanding the matter. He further argued that the revenue entries challenged by the respondents had already attained finality before the competent revenue authorities, and without exhausting the remedy available under the revenue hierarchy, the respondents could not directly institute a civil suit. According to the learned counsel, the impugned remand order is contrary to law and liable to be set aside. In support of his submissions, he placed reliance upon *PLD 2026 SC 269*.

4. Heard the learned counsel for the applicants and have carefully examined the material available on the record.

5. At the very outset, it transpires from the averments contained in the plaint that the foundation of the respondents' claim rests upon allegations of fraud in the preparation and maintenance of the impugned revenue entries. The existence or otherwise of fraud can only be adjudicated after allowing the parties to lead evidence, and such questions are not amenable to summary adjudication at the stage of considering an application under Order VII Rule 11, C.P.C.

6. Moreover, Section 53 of the West Pakistan Land Revenue Act, 1967, itself recognizes that where a party seeks a declaration of rights, title or interest in immovable property, the appropriate remedy is to obtain a declaratory decree from a competent Civil Court. Questions relating to title and allegations of fraud fall

exclusively within the jurisdiction of the Civil Court and cannot be conclusively determined by the revenue authorities alone. For ready reference, Section 53 of the West Pakistan Land Revenue Act, 1967, is reproduced hereunder:

“53. If any person considers himself aggrieved by an entry in a record-of rights or in a periodical record as to any right of which he is in possession, he may institute a suit for a declaration of his right under Chapter VI of the Specific Relief Act, 1877 (Act No. 1 of 1877)”.

7. In view of the foregoing discussion and the settled legal position, this Court finds no illegality, irregularity, or jurisdictional defect in the impugned order passed by the learned appellate Court warranting interference in the exercise of revisional jurisdiction. The learned appellate Court has rightly remanded the matter to the learned trial Court for adjudication on merits after recording evidence, particularly when the controversy involves allegations of fraud and determination of title, which cannot be decided summarily. Consequently, the instant Civil Revision Application, being devoid of any merit, is hereby dismissed in *limine*.

JUDGE

Irshad Ali M/ Steno