

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

***Criminal Revision Application No. S-107 of 2025.
(Suhail Arif Shah vs. Raja Khan and another)***

1. *For orders on office objections*
2. *For hearing of MA No.7370/2025*
3. *For hearing of MA No.7371/2025*
4. *For the hearing of the main case.*

04.05.2026.

Mr. Saeed Ahmed Bhatt, Advocate for the Applicant.

Mr. Safdar Ali Kanasro, Advocate for Respondent No.1.

Syed Sardar Ali Shah, Addl. Prosecutor General.

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ORDER

Ali Haider 'Ada' J.- This Criminal Revision Application has been filed by the applicant challenging the order dated 18.12.2025 passed by the learned Additional Sessions Judge-III, Khairpur (trial Court), whereby, while deciding an application under Section 7 of the Illegal Dispossession Act, 2005, the learned trial Court passed the impugned order. Feeling aggrieved thereby, the applicant, who is arrayed as an accused in the said complaint, has preferred the instant Criminal Revision Application.

2. The record reflects that Respondent No.1/complainant instituted a criminal complaint under the Illegal Dispossession Act, 2005, on the ground that, despite being the lawful owner of the property in question through a registered sale deed , he was illegally dispossessed thereof. Consequently, the complaint was entertained by the learned trial Court and evidence of the parties was also recorded. It is pertinent to observe that the complaint was initially instituted in the year 2016, whereas the application under Sections 7 and 8 of the Illegal Dispossession Act, 2005 was filed much later in the year 2024.

3. Learned counsel for the applicant submits that after lapse of approximately eight years, the learned trial Court passed the impugned order in the nature of interim relief despite the fact that the main complaint itself had already reached the stage of final conclusion. He further contends that serious factual controversies exist regarding ownership and possession of the property in question, and the evidence led by the complainant had already been subjected to cross-examination by the present applicant/accused. According to learned counsel, grant of interim relief at such stage of proceedings has the effect of prejudging the matter and sabotaging the final adjudication of the complaint. Certain documents have also been produced by learned counsel under the cover of his statement, which are taken on record.

4. On the other hand, learned counsel for Respondent No.1/complainant submits that the learned trial Court has passed a well-reasoned order after tentatively examining the material available on record and finding existence of a prima facie case for grant of interim relief; therefore, the same does not warrant interference by this Court in revisional jurisdiction.

5. Conversely, learned Additional Prosecutor General submits that although the learned trial Court had already taken cognizance of the matter, Section 7 of the Illegal Dispossession Act, 2005 does not authorize the Court to record findings touching upon the final merits of the case while deciding an interim application. He submits that perusal of the impugned order reflects that the learned trial Court has virtually expressed final opinion regarding the rights of the parties during pendency of the complaint, which is beyond the permissible scope of jurisdiction under the law.

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

7. From the perusal of the record, it appears that approximately nine years have elapsed since the institution of the complaint, and the main matter is already at the verge of final adjudication. In such circumstances, grant of interim relief at such a belated stage, particularly where the evidence has already been recorded, tends to interfere with and prejudice the final proceedings pending before the learned trial Court. Therefore, this Court is only required to examine whether any material irregularity or jurisdictional error has been committed by the learned trial Court while granting the impugned interim relief.

8. Although the scope of Section 7 of the Illegal Dispossession Act, 2005, is limited and the Court is only required to form a tentative opinion for interim relief, yet in the present matter, the learned trial Court appears to have exceeded such limits by recording observations and findings touching upon the final merits of the controversy, which is not legally permissible. In this regard, reliance may be placed upon **Muhammad Azam v. Nabi Bakhsh, 2019 YLR 2025**. Further support in this regard is drawn from **Haji Ghulam Muhammad v. Additional Sessions Judge Liaquatpur, District Rahim Yar Khan, 2025 YLR 512**.

9. In view of the foregoing discussion, this Criminal Revision Application is allowed. Consequently, the impugned order dated 18.12.2025 passed by the learned trial Court in Criminal Complaint No.1053 of 2016 is hereby set aside. The status of the property in question shall stand restored to the position existing prior to passing of the impugned order.

JUDGE