

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P.No.S-825 of 2011.

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For katcha peshi.
2. For hearing of C.M.A-9910 of 2011.
3. For hearing of C.M.A-13484 of 2014.

29.01.2018.

Mr. Babar Bohio, Advocate for the petitioners.

Mr. Aqeel Ahmed Siddiqui, Advocate for respondent No.1.

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Learned counsel for the petitioners states that the petitioner No.2 expired 06.01.2014 and the application for impleading of his legal heirs filed thereafter, has not been allowed despite which amended title stands filed. It is contended on part of learned counsel for the petitioners that the learned Rent Controller has decided the application in his favour being the landlord, however, the learned appellate Court was pleased to reverse the findings on the ground that the relationship *inter se* between the parties was not proved. Learned counsel for the petitioners, *inter alia*, relies upon the other proceedings as present between the parties wherein the objection to the gift as claimed by the respondent No.1 stands nullified on the original and appellate proceedings; however, a revision in this regard is still pending. In support of his contentions, learned counsel for the petitioners relies upon the cases of **Bashir Ahmad v. Muhammad Hussain (2010 SCMR 822)**, **Miraj Din v. Evacuee Trust Property Board (PLD 2004 Supreme Court 430)** and **Faizullah Khan v. Muhammad Shafi (2010 YLR 737 (Karachi))**.

2. Learned counsel for respondent No.1 on the other hand, contends that application for impleading of the legal heirs is time barred as such the same cannot be considered. It is further contended on part of learned counsel for respondent No.1 that the petitioners have failed to prove relationship between the parties and as such the learned appellate Court has rightly dismissed the proceedings. In support of his contentions, learned counsel for respondent No.1 relies upon the cases of **Bashir Ahmad v. Muhammad Hussain (2010 SCMR 822)**, **Ali Muhammad v. Mir Ahmed Khan (2000 MLD 435)**, **Naz**

Sultana v. Hajra Begum (1994 CLC 1754) and Saifuddin v. Zainuddin (1995 CLC 1348).

3. Having heard the learned counsels, while going through the record it is observed that the evidence of the petitioners recorded before the learned Rent Controller is not present on the file. Learned counsel for the petitioners requires time in this regard. Accordingly, the matter is adjourned to 16.02.2018. On the said date, learned counsel for the petitioners to file documents / evidence as required by him to be taken on record.

JUDGE

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