

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

R.A. No.115 of 2020

DATE ORDER WITH SIGNATURE OF JUDGE

For orders on M.A. No.742/2020.  
For orders on M.A. No.743/2020.  
For hearing of main case.

17-08-2020

Mr. Arbab Ali Hakro advocate for the applicant.

1. Urgent application is granted.

2&3. Thorough this Revision Application, applicant Muhammad Hashim has challenged the judgment and decree dated 21.03.2020 passed in Civil Appeal No.15/2018 by learned Additional District Judge Khipro whereby appeal has been allowed and judgment and decree dated 05.01.2018 passed in F.C. Suit No.45/2015 by Senior Civil Judge Khipro has been set-aside and the suit has been decreed.

Mr. Arbab Ali Hakro learned counsel for the applicant states at the bar that learned appellate Court erred in law by not framing proper points for determination in respect of issues in violation of Order 41 Rule 31 CPC; that Revenue Record neither creates nor extinguishes title as these entries are mere pieces of evidence to be led by the vendee in support of his claim of purchase; that there is no denying the well-settled proposition that the absence of the attestation of mutation in the Revenue Record regarding purchase etc. of certain land is not that much binding so as to hold that no sale has taken place; that respondents No.1(i) to (viii) failed to prove their ownership before learned trial Court and alleged Entry No.115 in Revenue record is not conclusive proof; that learned appellate court has failed to appreciate the factual as well as legal aspect of the case; that learned appellate court erred in holding that long standing entries in revenue record cannot be altered by revenue authorities in summary proceedings; that the appellate order is full of errors.

To appreciate the contentions aggitated hereinabove, let notice be issued to the respondents as well as to learned A.A.G. for 14.09.2020. Meanwhile the parties to maintain statusquo.

JUDGE