

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
H.C.A. No.66 of 2021

Date	Order With Signature Of Judge
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1. For order on office objection
2. For hg of main case
3. For hg of CMA No.1065/21
4. For hg of CMA No.1066/21
5. For hg of CMA No.1067/21

20.04.2022.

Mr. Khawaja Shamsul Islam, advocate for appellant.
Mr. R.D. Qureshi, advocate for respondent/KDA.
Mr. Naeem Akhter Talpur, AAG.

Learned counsel for the appellant submits that the suit was filed by the appellant seeking declaration, possession and injunction in respect of the subject plot, for which, the appellant has given the highest bid, however, the said plot was allotted to some third party. According to learned counsel, the suit was proceeded, whereas, issues were framed and evidence was recorded, however, the learned single Judge vide impugned order dated 25.02.2021 and decree dated 09.03.2021 without recording his finding on the issues framed therein has ordered to return of the bid amount of the appellant along with markup, which was not even claimed by the appellant in the suit nor any issue was framed in this regard.

Learned counsel for the respondents submits that as per the reply/counter affidavit filed by the respondents, the plot was restored in the name of earlier allottee and was not given to any third party, however, candidly submits that through the impugned order the issues framed in the suit have not been decided.

Learned counsel for the appellant submits that the appellant will be satisfied if the case is remanded back to the learned single Judge to pass judgment and decree after hearing the counsel for the parties,

according to the issues framed and the evidence produced by the parties in accordance with law.

Learned counsel for the respondents does not oppose such disposal of the instant High Court Appeal in the above terms.

Accordingly, by consent, instant High Court Appeal is being disposed of while setting aside the impugned judgment and decree with direction to the learned single Judge to pass judgment and decree in terms of Order 20 C.P.C. after hearing the parties on the basis of issues framed and on the basis of evidence produced in accordance with law preferably within a period of two months from the date of this order.

Instant High Court Appeal stands disposed of in above terms along with listed applications.

JUDGE

JUDGE

HANIF