

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

R.A. No. 145 of 2011.

DATE	ORDER WITH SIGNATURE OF JUDGE
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Date of Hearing: 17.05.2022.
Date of order: 23.05.2022.

Applicants: Muhammad Khan and others through Mr. Parkash Kumar Advocate.

Respondent No.1: Ghulam Hussain through Mr. Muhammad Nawaz B. Jamali Advocate.

MUHAMMAD SHAFI SIDDIQUI, J.- This revision application impugns an order of 25.2.2011 passed by District Judge Badin dismissing Civil Appeal No.22 of 2010 and maintaining an order dated 26.10.2010 passed by learned Senior Civil Judge Golarchi at Badin, being an executing court allowing the execution application No.01 of 2009 in response to and in compliance of a decree dated 4.8.2009 passed in suit No.33 of 2006. This decree was passed in presence of both the applicants i.e. Muhammad Khan and Rasool Bux who preferred this revision application the subject matter of which is an agricultural land shown in schedule 'A' having total area of 12-13 acres. These applicants were made a party on their own application under order 1 rule 10 CPC but after filing written statement they failed to record evidence and consequently suit was decreed as above. The decree was challenged by the Judgment Debtor/applicants by moving an application under section 12(2) CPC which was dismissed followed by dismissal of civil revision by District Judge Badin. Consequently the execution application was allowed which order was maintained by the appellate court.

2. Applicants have no case on merit before us as neither the executing court nor the appellate court, in pursuance of such proceeding being executing court, could probe the matters beyond judgment and decree. The executing court essentially is executing a decree as passed by the court of competent

jurisdiction which has attained finality not only in terms of decree but also by virtue of an order passed under section 12(2) followed by dismissal of revision application.

3. No interference, as such, is required, the revision application is dismissed.

JUDGE

A.