

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

C.P. No.D-3289 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection
For orders on M.A. 14709/2018
For orders on M.A. 14710/2018
For hearing of main case

26.05.2022

None present for petitioner.

Mr. Ayaz Ali Rajpar, Assistant A.G. Sindh.

In a decree passed in Suit No.53/2011 an execution application was filed wherein an application u/o XXI Rule 99 CPC was preferred on the strength of only a sale agreement. The applicant who moved an application U/o XXI Rule 99 CPC prayed that since he was in possession therefore has a preferential right and title over it. The executing court was pleased to dismiss the application vide order dated 25.07.2017 followed by a dismissal of revision application in Revision Application No.21/2017 vide order dated 27.08.2018 against which this constitution petition has been filed.

We have perused the record and it appears that on the strength of an agreement the execution was objected and it was rightly dismissed by the executing court which order was maintained by the revisional court. We are of the view that such agreement cannot be carved out or treated as a title over the property. The decree for possession has already been passed and it needs to be implemented in letter and spirit unless cogent reasons were provided by the objector.

In view of the above facts and circumstances, since no cogent reasons or a case within the frame of Order XXI Rule 99 CPC were provided, the two courts below rightly observed while rejecting the application u/o XXI Rule 99 CPC. No interference as such is required against the concurrent findings. The petition is dismissed with no order as to costs.

JUDGE

JUDGE