

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
R.A No.197 of 2010

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| DATE | ORDER WITH SIGNATURE OF JUDGE(S) |
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1. For katcha peshi.
2. For hearing of CMA-646/2010

20.11.2017

Mr. Naimatullah Soomro, Advocate for applicants.
Mr. Arbab Ali Hakro, Advocate for respondent No.1.
Mr. Muhammad Ismail Bhutto, Additional A.G

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Learned Counsel for the respondent No.1 contends that the said respondent had proved the three required ingredients of gift as required under Muhammadan Law and further that the applicants had preferred to oppose the application for examination of the thumb impression on the documents of the Registrar in respect to the gift that could not be got registered. It is also contended by the said learned Counsel that the purchaser in the matter has never turned up to stand upon his alleged right.

In rebuttal to the said contentions, the learned Counsel for the applicants has stated that it is not clear by the stand of the respondent No.1 whether the said respondent prefers to stand on the oral gift or the document thereof. This Court had asked two specific questions from the learned Counsel for the applicants being; the alleged seller was not appearing before the Trial Court and that the controversy in respect of the thumb impressions, to which the learned Counsel for the applicants stated that there being a registered document the presence of the purchaser before the Trial Court was not required and that the matter of thumb impression was never got challenged by the respondent No.1 and as such the said respondent has failed in his duty to prove his case.

Learned A.A.G states that the government is not the contesting party to the case, as such, he is bound by the Court whatever they may be.

Having heard the learned Counsels, the matter is reserved.

JUDGE