

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

R.A. No.144 of 2016.

DATE _____
ORDER WITH SIGNATURE OF JUDGE _____

1. For katcha peshi.
2. For hearing of M.A-950 of 2016.

18.12.2017.

Mr. Sunder Das, Advocate for the applicants.

Mr. Arbab Ali Hakro, Advocate for the private respondents No.1 to 7.

Mr. Ghulam Abbas Sangi, Assistant A.G.

Learned counsel for the applicants contends that the learned trial Court as well as the learned appellate Court has failed to consider that the particulars of wrongful acquisition of possession were never forthcoming on part of the respondents, who were claiming as owner and in the circumstances, reliefs as granted under these proceedings of section 8 of Specific Relief Act were not available. In this regard he has made reliance upon the case of **Sultan Muhammad v. Muhammad Qasim (2010 SCMR 1636)**. It is further contended on part of learned counsel for the applicants that the proceedings of the private respondent were barred by limitation as the applicants were in possession since 1982 by way of a sale agreement and that the portion of possession was not included in the entitlement of the respondents No.1 to 7. It is also contended on part of learned counsel for the applicants that the impugned judgments are based upon the extract which is not a title document.

2. Learned counsel for the private respondents No.1 to 7 contends that the matter of limitation was never taken seriously before the learned trial Court, nor the same has been put up before the learned trial Court and, as such the same is not available at this revisional stage. It is further contended on part of learned counsel for the private respondents that the learned trial Court as well as learned appellate Court has thrashed out all the actual issues in the matter and no illegality is present in the said judgments. *llh*

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3. In rebuttal, learned counsel for the applicants states that the suit has been filed without bringing any documents of entitlement in the matter.

4. Having heard the learned counsels and with their assistance gone through the record, it is observed that the learned trial Court had made discussion to the issues framed, the contentions which are being raised before this Court are either found discussed in the judgments impugned or were not taken up during the proceedings at all, as such same are not available. As to the title it is observed that the details of the title are found present in the said extract. The private respondents having acquired right later in time cannot be called upon for the details as demanded and where it was also open for the applicants to come up to the same. Irrespectively, nothing has been shown warranting setting aside of the impugned judgments. Accordingly, this revision application is dismissed with normal costs along with the pending applications.

Sd/- MEHMOOD A. KHAN,
JUDGE.