

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

R.A. No.49 of 2004

R.A. No.50 of 2004

DATE

ORDER WITH SIGNATURE OF JUDGE

25.04.2018.

Mr. Ishrat Ali Lohar, Advocate for the petitioner applicant.

Mr. Arbab Ali Hakro, Advocate for applicants in R.A. 50/2014

Mr. Naimatullah Soomro, Advocate for respondent.

Mr. Rafique Ahmed, Advocate for respondent.

These twin revisions arise out of the common judgment of the appellate Court, which maintained the findings of the trial Court where the suit for partition of the property was dismissed on the point of limitation.

The matter pertains to the properties being Shops on C.S. No.1439/18-2, C.S No.A/1439/18-3, C.S. No.1439/18-4, C.S. No.1439/18-5, C.S. No.1439/18-6, House (First Floor) bearing C.S. No.1439/18-2/A, built over C.S. No.1439/18-2 to 1439/18-6; House (Second Floor) bearing C.S. No.1439/18-2/B, constructed over C.S. No.1439/18-2 to 1439/18-6, Ward-A, Grass Market Hyderabad AND House No.A/2862/I, Tilak Incline, Hyderabad, (the subject properties) which are in the occupation of the parties to the instant revisions either by themselves or given to third parties by way of tenancy arrangements.

After detailed deliberation from all sides, it was mutually agreed that to have the lis between the parties fully adjudicated the matter be remanded to the trial Court, who to hear the same afresh from the stage of framing issues and render a detailed judgment within a period of 4 months.

In the light of above consent, impugned judgments dated 22.11.2003 and 08.05.2000 and decrees dated 26.05.2000 and



17.12.2003 respectively, are set-aside and the matter is remanded to the trial Court to hear it afresh from the stage of framing issues and to pass a detailed judgment within a period of 4 months with the objective to have the subject properties partitioned in accordance with law as per the shares of all the parties concerned. The parties would be at liberty to adduce fresh evidence, if any, available with them.

These revisions are accordingly disposed of in the above fashion.

Sd/-  
ZULFIQAR AHMAD KHAN.  
JUDGE.