

IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

R.A. No. 146 of 2020

DATE ORDER WITH SIGNATURE OF JUDGE

For hearing of main case

02.11.2020

Mr. Arbab Ali Hakro, Advocate for applicants.

Mr. Muhammad Idrees Khan, Advocate for respondents No.1,
3, 4, 5, 7 11 and 12.

Mr. Allah Bachayo Soomro, A.A.G.

ORDER

MUHAMMAD SHAFI SIDDIQUI, J. This Revision Application is arising out of an interlocutory order passed on an application filed under Order XLI Rule 27 read with Section 151 CPC.

Brief facts of the case are that the applicants filed a suit for declaration, cancellation and permanent injunction. They sought declaration as being owners of the property on the basis of a registered instrument which was execute somewhere in the year 1975. Before the trial court the evidence was recorded and the official witnesses were also called. However, the registered sale deed could not be produced in evidence although some of the entries based on the sale deed were produced. The trial court after analyzing the evidence came to the conclusion that since the primary document i.e, sale deed is not produced by the applicants, therefore, they cannot succeed to establish their independent title as being bonafide purchasers / owners and consequently the entries were ignored. Based on these reasoning the applicant filed an appeal before the District Judge Sanghar. It was transferred to the 2nd Additional District Judge Sanghar on administrative ground. Along with the memo of appeal the applicants also filed an

