

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Rev. Appln No.65 of 2020

Date	Order with signature of Judge
------	-------------------------------

For orders on maintainability

30.11.2021

Mr. Aslam Pervaiz, advocate for the applicant
Mr. Rahat Ahsan, DPG
Mr. Nisar Ahmed, advocate for respondents No.1 & 2

AFTAB AHMED GORAR, J.- Through this application the applicants have assailed the order dated 21.11.2019 passed by the Illrd Additional District & Sessions Judge, Karachi (East) whereby the Cr. Complaint No.112/017 filed by the respondents was dismissed.

2. Learned Counsel for the applicant submitted that the impugned order is illegal, untenable and is unwarranted by law. He further contended that the learned trial Court passed the impugned order without considering the contents of the complaint and documents filed therewith and even did not consider the statements of the witnesses. He also submitted that the impugned order was passed arbitrarily without applying the judicial mind while from the record it was clear that there was evidence against the accused/respondents who with the help of gunda elements dispossessed the complainant from the dispute property. He prayed that the impugned order is therefore liable to be set aside.

3. Learned Deputy Prosecutor General assisted by the learned Counsel for the respondent submitted that the applicant claims the subject property on the basis of documents, which shows that the plot is leased to the applicant on 01.8.1915 by the Karachi Metropolitan Corporation for 99 years, however before 1933 Karachi Metropolitan Corporation was not in existence hence the question of renewal of lease for further 99 years on 24.09.2014 could not arise. They

submitted that the documents produced by the applicant are forged/bogus one hence no case is made out and the learned two Courts below rightly rejected the claim of the applicant. They submitted that the instant application therefore, merits no consideration and same be dismissed as the orders passed by the two Courts below do not require any interference.

4. I have heard the learned Counsel for the applicant, learned DPG duly assisted by the learned Counsel for the respondent and have gone through the record.

5. Record reveals that the applicant claimed ownership on the basis of lease stated to have been issued by Karachi Metropolitan Corporation in the year 1915, however, apart from the fact that KMC was not in existence in 1915, perusal of those lease documents demonstrate that the signatures of the leasing officer appended shows its date of signature as 09.04.1948 on the lease of 1915, which on the face of it established to be a fake document. Further-more, the said document shown to have been registered on 09.04.1948 vide Reg. No.3087, which was got verified during inquiry when the Sub Registrar, Central Record, Karachi issued a letter dated 28.02.2018, which reveals that said registration was checked by him and found to be fictitious one having no such record.

6. In view of above discussion, I am of the firm opinion that the orders passed by two Courts below do not require any interference hence the instant criminal revision application does not merit any consideration and the same stands dismissed along with pending applications, if any.

JUDGE