

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Rev. Appln No. 133 of 2020

Date	Order with signature of Judge
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For hearing of main case.

02.11.2021

Mr. Ajab Khan Khattak, advocate for the applicant

Mr. Muhammad Yaqoob, advocate for the respondent No.1

Mr. Zahoor Shah, DPG a/w SIP Muhammad Jehangir Khan of
PS Saeedabad

AFTAB AHMED GORAR, J.- Through this application the applicant has assailed the order dated 20.08.2020 passed by the Xth Additional District & Sessions Judge, Karachi (West) whereby the SHO concerned was directed to handover physical possession of the property in question to complainant and submit report before it.

2. Learned Counsel for the applicant submitted that the applicant has purchased the property from respondent No.1 in the year 2019 against which the impugned order under Illegal Dispossession Act was passed, which is illegal and needed to be set aside. He further contended that after completion of sale as well as making part payment, the possession of the property in question was handed over to the applicant by the respondent No.1. He also contended that the applicant is owner of the property in question and in possession since 2019 without any interruption as such, filing of this complaint shows the malaifde on the part of the respondent No.1. He prays that the impugned order is therefore liable to be set aside.

3. Learned Additional Prosecutor General supported the impugned order and submitted that it is passed according to law. He further submitted that no illegality or infirmity in the impugned order has been

pointed out by the learned Counsel for the applicant therefore, the above order may be maintained.

4. Learned Counsel for the respondent No.1 adopted the arguments made by the learned APG and further added that the applicant is encroacher and he encroached upon the property in question. He submitted that the applicant has misreably failed to establish his ownership on the subject property hence the learned trial Court had passed the order while perusing the documents so produced by the respondent no.1 in respect of property in question from which the applicant forcibly dispossessed the respondent No.1. He therefore, submits that the instant criminal revision application may be dismissed.

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

6. Record reveals that the applicant though claimed ownership of the property in question but he has miserably failed to establish his ownership. In this regard he has not placed a single document on record to show that he is owner of the property in question. Though the applicant claimed to have purchased and made part payment of sale of Rs.350,000/- and rest was yet to be paid when the case of Illegal Dispossession was filed against him but in support of his contention neither he produced such sale agreement nor any receipt of payment. Mere taking plea of ownership does not legally entitle him to be owner of the property. It is further on the record that the learned Court after fulfilling all the codal formalities passed the impugned order in which no infirmity or illegality has been pointed out despite lengthy arguments made by the learned Counsel for the applicant.

7. In view of above discussion, I am of the firm opinion that the impugned order dated 20.8.2020 passed by the learned Xth Additional

District & Sessions Judge, Karachi (West) does not call for any interface.

8. Above are the reasons for short order dated 26.10.2021 whereby this criminal revision application was dismissed.

Judge