

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Civil Misc. Appeal No. S – 03 of 2013
C. P. No. S – 2919 of 2016**

Date of hearing	Order with signature of Judge
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Hearing of case (priority)

1. For hearing of main case
2. For hearing of CMA No.380/2013

30-08-2021

Mr. Manzoor Hussain Halepoto, Advocate for the appellant in Civil Misc. Appeal No. S-03 of 2013 and for respondent No.1 in C. P. No. S-2919 of 2016.

Mr. Shafqat Raheem Rajput, Advocate for the petitioner in C. P. No. S-2919 of 2016.

Mr. Safdar Ali Bhatti, Advocate for respondent No.1 in Civil Misc. Appeal No. S-03 of 2013 and for respondents No.4 to 6 in C. P. No. S-2919 of 2016.

Mr. Ahmed Ali Shahani, Assistant Advocate General Sindh.

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By consent, this Appeal and the connected Petition are disposed of in the following terms:

- (i) The impugned order dated 31-10-2013 passed in Misc. Application No. 59 of 2013 by the Additional District Judge-III, Khairpur is maintained; except to the extent of findings in respect of the sale deed of the appellant being a fraudulent document, as apparently, the respondents have filed a Civil Suit seeking declaration and cancellation of the same in respect of the property in dispute.
- (ii) Since the ownership of the property is now in dispute between respondent No.1 and respondents No.4, 5 & 6 in C. P. No. S-2919 of 2016, therefore, by consent, this Petition is allowed to the extent that the tenant would remain in the premises in question and will deposit the monthly rent before the Court as is being done till date.

- (iii) Once the ownership is decided between respondent No.1 and respondents No.4, 5 & 6 in C. P. No. S-2919 of 2016, the successful party would be at liberty to either continue with the tenancy or seek ejection in accordance with law.

With these observations, the Petition and the Appeal are **disposed of** along with pending application(s). Office is directed to place a signed copy of this order in the captioned connected Petition.

Abdul Basit

J U D G E