

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

APPEAL NO.513/2018 AND 514/2018

Date

Order with signature of Judge

25.02.2022

Mr. Muhammad Ashraf Sammo advocate for petitioners.

Syed Sultan Ahmed advocate for respondents.

Mr. Talib Ali Memon, APG.

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Heard and perused the record.

It would be conducive to refer operative paragraph of the
impugned order as under :-

“From perusal of the complete record it appears quite clear that complainant case is based on the Deputy Commissioner Malir’s allotment letter / sanad and other documents including registered lease deed while the documents annexed with the police report reveals that KDA denied the claim of complainant and confirmed the fact that subject land is the property of Mehran Town scheme, sector 6-F and one Muhammad Ashiq Ali is the owner of said property as per KDA record. This position of the record reveals that two government departments are on surface with respective documents in favour of the complainant and accused. .this clearly favours the opinion that these proceedings are not appropriate o the ground that only civil forum is competent to decide this matter of dispute.”

Both parties are claiming ownership of the subject matter property. Learned counsel for appellants has relied upon 2016 SCMR 1931 on the plea that civil dispute and criminal complaint both can be proceeded side by side, whereas learned counsel for respondent has relied upon 2012 PCrLJ 1405, PLD 2011 SC 181 and PLD 2010 SC 661. Learned counsel for respondent has referred certain documents showing therein that he is legal owner and has constructed the house and there is no issue of forcible dispossession.

Under these circumstances, this is not a case of forcible dispossession. Both appeals are dismissed. Parties would be at liberty to approach civil court for their remedy.

Office to place copy of this order in connected case.

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