

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

M.A. No.18 of 2022

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DATE                      ORDER WITH SIGNATURE OF JUDGE(S)

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For hearing of CMA-12411/22

For hearing of main case

**23.10.2023**

Mr. G.N. Khoso advocate for appellants.

M/s. Sajid Ali Gorar and Asif Ali Abro advocates for private respondents.

Mr. Wali Muhammad Jamari, Asstt. A.G along with Ghulam Yaseen Mukhtiarkar, Mehar.

The present appeal has been filed under Section 27 of the Sindh Public Property (Removal of Encroachment) Act, 2010. Office objection states that the appeal is not maintainable as under Section 27 an appeal lies against an order passed by a Special Court. Admittedly, the impugned order has not been rendered by the Special Court; contemplated vide section 25 of the Act.

Appellants' counsel has been unable to demonstrate any law providing for an appeal against the order impugned and the said circumstances attract the observations of the Supreme Court, in the case of *Gul Taiz Khan Marwat*<sup>1</sup>, reiterating settled law that an appeal is a creation of statute and in the absence of any such remedy being provided none can be presumed.

In view of foregoing, this appeal is found misconceived, hence, hereby dismissed, along with pending application.

JUDGE

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<sup>1</sup> Per *Ijaz ul Ahsan J* in *Gul Taiz Khan Marwat vs. Registrar Peshawar High Court* reported as *PLD 2021 Supreme Court 391*.