

**IN THE HIGH COURT OF SINDH  
BENCH AT SUKKUR**

**Civil Rev. Appln. No. 60 of 2015**

**Applicant:**

Liaquat Ali Mahesar  
Through Mr.Jamshed Ahmed Faiz  
Advocate.

**Respondents:**

Aijaz Ahmed Khilji &  
Muhamamd Nisar Khilji  
Through Mr.Kamran Mubeen Khan  
Advocate.

Sub-Registrar, Rohri & 03 others  
Through Mr.Ali Raza Baloch AAG.

Sirajuddin Bhayo  
Through Mr.Muhammad Ali Nappar  
Advocate.

**Date of Hearing** 30<sup>th</sup> October, 2023.

**ORDER**

**YOUSUF ALI SAYEED, J-** The Applicant has impugned the judgment dated 21.05.2015, rendered by the learned III-Additional District Judge, Sukkur in Civil Appeal No.20 of 2009 filed by the Respondents Nos. 1 and 2, setting aside the Judgment entered in his favour by the II-Senior Civil Judge, Sukkur on 17.02.2009 in F.C. Suit No.110 of 2003, for specific performance of an agreement to sell dated 08.04.2000, and the Decree dated 23.02.2009 drawn up accordingly.

2. As it transpires, a perusal of the impugned Appellate Judgment reflects that whilst the Appellate Court was of the view that execution of the agreement to sell and receipt of part payment had not been proved, the totality of evidence does not appear to have been properly considered or discussed in making that assessment, hence, after advancing certain preliminary submission, learned counsel for the respective parties were *ad-idem* that the matter be remanded to the Appellate Court for decision afresh following a *de-novo* hearing.
  
3. That being so, by consent, the Revision Application stands allowed accordingly, with the impugned Judgment dated 21.05.2015 being set aside and the Appeal being remanded to the Appellate Court for decision afresh in light of the sum total of evidence after hearing the parties, preferably within a period of 60 days from the date of this Order.

Akber.

JUDGE