

# IN THE HIGH COURT OF SINDH AT HYDERABAD

Ilnd Appeal S.98 of 2021 : Israr Shah Vs. Mir Saleem &Another .  
For the appellant : Mr.Abdul Hameed Bajra, Advocate  
For the respondent No.1 : Mr.Parkash Kumar, Advocate  
Date/s of hearing : 28.11.2023.  
Date of announcement : 28.11.2023.

## ORDER

**Agha Faisal, J.** The impugned judgment, dated 16.09.2021, was delivered by Ilnd Additional District Judge Sanghar in Civil Appeal No.81 of 2019. The entire civil appeal stood determined as follows:

"Point No.01.

Heard learned Advocate for both parties and perused the Record and proceedings after the death of Mir Saleem, the legal heirs have joined. The joint account has been issued, the possession was with the appellant. The learned trial Court mixed the issues, therefore, the impugned judgment is not entertain-able under the law. The issue No.2 is not properly framed. The facts are admitted. The Court has not in joined the judgment. The trial Court committed illegality. It is admitted that thereby grounds accrued to the defendant. In view of the above I am of the clear view that the appeal of the appellant is maintainable, hence point No.1 is decided as affirmative.

Point No.2.

In view of above discussion, the impugned judgment and decree dated 10.07.2019 passed by the learned Trial Court is hereby set aside and the appeal of the appellants/plaintiffs is allowed with no order as to costs. Let the decree be prepared accordingly"

*Prima facie* the impugned judgment merely reproduces the record and renders judgment, does not contain any proper delineation of issues to be determined, is devoid of any manifest deliberation and discussion; hence, does not appear to conform to the parameters demarcated by Order XLI Rule 31 C.P.C. Even otherwise, the appellate court appears to have dealt with the *lis* in an unwarranted perfunctory manner.

With the consent of the parties' counsel, the impugned judgment is set aside and the matter is remanded back to the appellate Court to decide in accordance with law; after affording opportunity of hearing to the respective parties. This appeal is disposed of accordingly.

Judge

A.Rasheed/stenographer