

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
High Court Appeal No. 116 of 2021

Abdul Majeed Qureshi
Versus
Yasmeen Chohan and others

Dated	Order with signature of Judge
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Present:

Mr. Justice Muhammad Shafi Siddiqui

Mr. Justice Omar Sial

Hearing Case (Priority)

1. For orders on office objection
2. For hearing of CMA No.4262/2022
3. For hearing of main case
4. For hearing of CMA No.1393/2021

Dated 10.01.2024

Saiyed Younus Saeed, Advocate for the Appellant.

Syed Sultan Ahmed, Advocate for Respondent No.1

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Muhammad Shafi Siddiqui, J.- This appeal is arising out of order passed in Suit No. 1002 of 2017 dated 11.11.2020. A suit for declaration, injunction and possession was filed by one Abdul Majeed Qureshi i.e. appellant for declaration of a suit property described in the memo of plaint.

2. Appellant sought a declaration that he may be declared a genuine and bona fide owner and the allotment/lease or other similar documents on the basis of which any right or interest is claimed by the Respondent No.1 be declared as invalid and cancelled. The plaint was returned on several counts and one of them was that it is barred by time. Learned single Judge also stated that a suit under Section 70-A of the Cooperative Societies Act, 1925 was also barred.

3. The conclusion upon the crucial point is that the suit was barred by time to which we concur. In para-6 of the plaint the appellant has admitted that on his return to Pakistan in the year 1996, he came to know that in his absence from the country, Respondent No.1 Yasmeen, described as Yasmeen Bibi in the plaint,

being wife of Ali Muhammad Chohan, got prepared some forged and fabricated documents in respect of the property in connivance and collusion with one of the illegal group. This being the position the cause triggered in the year 1996 and the suit was filed in the year 2017.

4. The only defence disclosed was that in the year 2010 the administrator was appointed to scrutinize the affairs of the society, as undertaken by the Managing Committee, supervising the affairs. In addition to it he informs that matter was adjudicated before the Supreme Court in this regard i.e. administrator's scrutiny. This could hardly be a defence as this subject of the suit, ought to have been filed in time, notwithstanding the pendency of CPLA before the Supreme Court, as it has some other issues not concerning the issue of the Appellant in relation to title of his property. The plaint which was filed in the year 2017 is hopelessly barred by time and was rightly adjudged by the learned Single Judge. We find no reason to interfere in the order passed by the learned single Judge on this count alone, hence the appeal is dismissed.

JUDGE

JUDGE

Amjad PS