

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.**

R.A. No.109 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

For orders on CMA No.1197/2021.
For hearing of main case.

22-09-2023

None present.

This is a revision application filed against judgment & decree dated 21.04.2021 passed by 3rd Additional District Judge Hyderabad in Civil Appeal No.185/2018 which maintained the judgment and preliminary decree dated 23.10.2018 of 5th Senior Civil Judge Hyderabad in Suit No.934/2017 (subsequent Suit) which was a Suit for declaration, possession, cancellation of sale agreement dated 21.04.2012, return of original documents, mesne profit, mandatory and permanent injunction. The applicant had also filed a Suit No.676/2017 (leading Suit) for specific performance of contract. Both the Suits were consolidated and the following issues were framed:-

“CONSOLIDATED ISSUES.

1. Whether leading suit is not maintainable?
2. Whether subsequent suit is not maintainable?
3. Whether plaintiff of leading suit paid full consideration amounting to Rs. 11,50,000/- at different times in respect of suit property involved in both suits viz. two plots bearing No. 88 & 89, admeasuring 1200 Sq. Fts, situated in Rubi City-Noorani Basti Hyderabad in consequence of sale agreement dated 21-4-2012?
4. Whether remaining amount of Rs. 10,00,000/- was never paid to the plaintiff of subsequent suit by the defendant No. 1 of subsequent suit?
5. Whether sale agreement stood cancelled?
6. Whether plaintiff of subsequent suit is entitled for recovery of possession of suit property?
7. Relief?
8. What should the decrees be?”

It was a conditional order passed and on failure of appellant to comply with the order the Suit for performance stood dismissed. Separate decrees were ordered to be prepared. Civil Appeal No.185/2018 was then filed which appeal

was dismissed vide judgment and decree dated 21.04.2021. This revision application as such is against concurrent findings of two courts below and the applicant not even attempted to seek compliance of conditional order of the decree. Even otherwise this revision application is pending since 2017 and since its filing the applicant has never cared to have it fixed, and once it got fixed on 01.06.2022 but he was called absent. It seems that the applicant has lost interest in the proceedings. Dismissed for non-prosecution.

J U D G E

Irfan Ali