

**IN THE HIGH COURT OF SINDH,
AT KARACHI**

Suit No.1559 of 2022

Plaintiffs : Mst. Sughran Bibi & Others,
through Muhammad Haroon
Shaikh, Advocate.

Defendant No.2 : Military Estate Officer, through
Rabia Khalid, Assistant Attorney
General.

Defendant No.3 : Station Head Quarters through
Abdul Karim Khan, Advocate.

Date of hearing : 15.04.2024

ORDER

YOUSUF ALI SAYEED, J.- The Plaintiffs profess to be the owners of land measuring 1-14 Acres, situated at Survey No.246 and 87, Deh Okewari, Tapo Drigh Road, Karachi, and have brought this Suit before this Court on the Original Side seeking a declaration of their title and entitlement to possession as well as mesne profits and damages.

2. The Suit has been met through an Application under Order VII Rule 11 CPC filed on behalf of the Defendant No.3, bearing CMA No.1370 of 2023, seeking rejection of the plaint on the ground that:-

- “1. That the suit itself is not maintainable hence may be rejected
2. That the instant suit has no cause of action against the answering defendant
3. That the plaintiff has no legal character in the instant case.
4. That the plaintiff has no Locus Standi and approached this Honourable Court with un-clean hands.”

3. A perusal of the affidavit filed in support of the application reflects that it merely restates the contents of the application without elaborating on the matter in any manner whatsoever.

4. As it stands, on a perusal of the plaint, *ex facie* no case for rejection thereof stands made out and the points raised could best be advanced at the final stage, once the evidence has been recorded in the matter, and as it were, allowed to speak.

5. In view of the foregoing, CMA No.1370 of 2023 stands dismissed.

JUDGE