

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Civil Revision Application No.09 of 2014
Civil Revision Application No.S-10 of 2014

Date	Order with signature of Judge
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1. For hearing of main case
2. For hearing of CMA No.47/2014

Date of hearing: **18-09-2023**

Date of Decision: **18-09-2023**

Mr. Mukesh Kumar G. Karara, Advocate for Applicant in both Revision Applications
Mr. Kamran Mobeen Khan, Advocate for Respondent No.1 in both Revision Applications
Mr. Abdul Sattar Luhrani, Advocate for Respondent No.2 in both Revision Applications
Mr. Ahmed Ali Shahani, Assistant Advocate General

ORDER

learned counsel for the applicant after arguing the case at some length, Stated that the rights of the parties in the suit land had been finally determined whereby applicant and respondents No.1 and 2 were declared co-owners / co-sharers under gift deed dated 27.03.1972, and there is a dispute regarding physical/actual possession of the suit land between the applicant and respondents No.1 & 2 as Suitland was unpartitioned and official partition was ordered through a preliminary decree to be carried out by the Revenue authorities. Counsel suggests that the applicant does not press other grounds, and he is aggrieved against the findings regarding the mesne profit, which is to be recovered from him to the extent of 6.31 acres. He pointed out that, admittedly, the parties are co-sharers and the excess area, under which respondents claim mesne profit, is required to be assessed and recovered from whom the excess area is ascertained in terms of sections 61, 67 and 144 of Sindh Revenue Act after partition.

When confronted counsel for respondents No.1 and 2, conceded such legal position and recorded their no objection. However

learned Assistant Advocate General stated that it is a private dispute among the parties. Accordingly, with the consent of the parties, firstly, let the preliminary decree regarding the partition be executed for handing over physical separate possession to the applicant and respondents No.1 and 2 as per share and secondly, annual profits/rent would be assessed and recovered by the revenue officer subject to ascertaining the actual excess area of Suitland found in possession of co-sharers.

In view of such consent of the parties, these revisions applications bearing C.R.A.No.S-09/2014 and C.R.A.No.S-10/2014 are disposed of in the above terms.

Office is directed to place a signed copy of this order in the captioned connected matter.

JUDGE

Suleman Khan/PA