

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Revision No. S – 86 of 2020

(Akhtar Hussain & another v. Mst. Hoor Khatoon & others)

Date of Hearing: **09-08-2024**

Date of Decision: **09-08-2024**

M/s Abdul Qadir Shaikh and Abdul Basit Shaikh, Advocates for the Applicants.
Mr. Nisar Ahmed Bhanbhro, Advocate for Respondents No.3&6.
Mr. Agha Athar Hussain Pathan, Assistant A.G-Sindh.

ORDER

Zulfiqar Ahmad Khan, J. – This Civil Revision is filed against the concurrent findings of the Courts below where Civil Suit filed by sisters was allowed to the extent that they were declared as legal heirs and the registered sale deeds made by father in favour of his sons were held to be illegal and bogus. However, trial Court went to hold in these circumstances the property be handed out to the Government, against which the applicants filed a Civil Appeal and that appeal was dismissed by upholding the trial Court's judgment.

2. Learned counsel from both the sides agree that the trial Court's judgment at least to the extent that property be handed out to the Government is illegal as there is no claim of the Government over the property and learned AAG supports this contention. Therefore, at best the property should have been left to the family and appropriate judgment might have been passed. The appellate Court seemingly did not apply its judicious mind and dismissed the civil appeal in a cursory manner.

3. After hearing both the sides, with consent, as the matter pertains to the inheritance, both the judgments of the Courts below are set aside and the matter is remanded back to the trial Court for a *de novo* trial. Accordingly, trial Court after re-framing the issues, recording evidence of the parties, if any of the parties wishes so, and hearing the parties pass a judgment in accordance with law within four months.

Accordingly, Civil Revision stands **disposed of** in the above terms along with pending application(s).

JUDGE

