

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Suit No.368 of 2022

Date	Order with signature of Judge
	1. For hearing of CMA No.18321/2022.
	2. For hearing of CMA No.3606/2022.
	3. For hearing of CMA No.17476/2023.
	4. For orders on CMA No.17477/2023.

02.04.2024.

Mr. Saad Fayyaz, Advocate for the Plaintiff.

Mr. Shahid Ansari, Advocate for the Defendant No.1.

Mr. Akhtar Ali Mastoi, Advocate for Board of Revenue.

Mr. Irshad Ahmed Shaikh, Assistant Advocate General, Sindh alongwith Irshad Ali Rind, Office Superintendent, Survey Superintendent Office, Karachi and Irfan Ali Lashari, Mukhtiarkar, Gulzar-e-Hijri, Karachi.

1. Through the listed Application, the Plaintiff seeks demarcation of the land identified therein. Learned counsel for the Plaintiff submitted that such exercise is necessitated in view of the Report dated 07.11.2022 submitted by the Nazir in pursuance of the inspection order made on 18.10.2022. Conversely, learned counsel for the Defendant No.1 relied upon the judgment of a learned Division Bench of this Court in the case reported as Sahoo vs. Province of Sindh 2021 CLC 1748 to argue that there was a mechanism provided under the Sindh Land Revenue Act, which ought to have been followed. That objection is found to be misconceived as the judgment in question relates to the matter from the standpoint of an alternate remedy in the context of a Petition under Article 199 of the Constitution, and the mechanism under the Act does not denude a Civil Court seized of a dispute between rival claimants of power to make an appropriate order in that regard. Accordingly, let such exercise be carried out by the Defendants Nos.5 and 6 under the supervision of the Nazir without prejudice to the contentions of any Party

and a report submitted within a period of four weeks. The fee of the Nazir is fixed at Rs.50,000/- to be deposited by the Plaintiff. The Application stands disposed of in such terms.

2-4. Deferred. Interim order passed earlier to continue till the next date.

JUDGE

MUBASHIR