

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Shafi Siddiqui, CJ
Mr. Justice Jawad Akbar Sarwana.

C. P. No. D – 6148 of 2024

Petitioner: Ghufuran-ul-Haq,
Through Mr. Sardaruddin Buriro,
Advocate

Versus

Respondents: Anjuman Jama Masjid Khulfa-e-
Rashideen and others
Nemo

Date of Short Order: 16.12.2024

Date of Reasoning: 23.12.2024

ORDER

JAWAD AKBAR SARWANA, J: The Petitioner, Ghufuran-ul-Haq, has filed this petition under Article 199(1)(a)(ii) of the Constitution, contending that the Order dated 12.03.2024 passed by XIIIth Senior Civil Judge West Karachi in Civil Suit No.924/2018 in a 12(2) CPC application and the order dated 01.11.2024 passed by IXth Additional District Judge Karachi West in Civil Revision No.55/2024 are “without lawful authority” and “is of no legal effect”. Hence, the impugned Orders are liable to be set aside.

2. Heard learned counsel and perused the petition. Ghufuran-ul-Haq was the Pesh Imam of Jama Masjid Khulfa-e-Rashideen situated at Manghopir Road, Karachi (“the said Masjid”). However, the managing committee of the said Masjid terminated his services. The litigation ensued, and Ghufuran-ul-Haq was impleaded as a defendant in Civil Suit No.924/2018, culminating in the judgment and decree dated 24.02.2022. He was found in illegal occupation of the said Masjid, and the trial Court awarded mense profits to

the managing committee of the said Masjid against illegal occupation of the residential quarter of the said Masjid.

3. Counsel for Ghufran-ul-Haq contended that the appellant had been unable to attend the hearings in Civil Suit No.924/2018 as he had moved to Swat, however, this was no valid ground for filing an application under Section 12(2) CPC which was ultimately dismissed by both the forums i.e., trial Court and Revisional Court. It was common ground that Ghufran-ul-Haq was once employed by Anjuman Jama Masjid Khulfa-e-Rashideen in the capacity of Pesh Imam. When his contract was cancelled/terminated, the terms and conditions of his employment also came to an end. He was a licensee in the residential quarter at Masjid, where he and his family resided during his association with the Masjid. Accordingly, the permission/licence for the petitioner to reside in the residential quarter, as allowed by the said Masjid committee, ended when the petitioner's services concluded. Thereafter, the petitioner's possession of the quarter also became illegal and unlawful, and he ought to have handed peaceful and vacant possession of the residential quarters to the management committee of the Masjid, which he did not. Occupation of the property was linked to his obligation to perform his duty as Pesh Imam. Therefore, the masjid committee once it terminated the relationship with Ghufran-ul-Haq, his continued occupation/possession of the residential quarters was illegal.

4. The scope of judicial revision under Article 199(1)(a)(ii) is limited, and no grounds have been identified to interfere in the impugned judgment. Accordingly, we dismissed the petition in limine by a short order dated 16.12.20224. The above are the reasons for such dismissal.

JUDGE

CHIEF JUSTICE