

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Constitutional Petition No.D-703 of 2024
(*Neemchand vs. Nangodhar alias Loung and others*)

DATE ORDER WITH SIGNATURE OF JUDGE

Date of hearing and order: 09-09-2024

Mr. Shanker Meghwar advocate for the petitioner.

Mr. Om Parkash H. Karmani advocate holding brief on behalf of Mr. Bheeru Lal advocate for the respondents No.2 to 5.

Mr. Muhammad Sharif Solangi, Assistant A.G a/w Mr. Asadullah Soomro Mukhtiarkar (Revenue) Taluka Dahli.

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ORDER

Adnan-ul-Karim Memon, J. The petitioner Neemchand has filed this petition under Article 199 of the Constitution of Pakistan to challenge the order of the District Judge Tharparkar that dismissed his Civil Revision Application. This revision application was filed against an earlier order of the 2nd Senior Civil Judge Mithi, which was passed in a Miscellaneous Application No. 39 of 2023 passed in F.C Suit No. 144/2019 (*Re- Neemchand Versus Nagodhar & others*)

2. The lawyer representing the petitioner submitted a statement and a family tree of the petitioner.

3. Mr. Om Parkash H. Karmani advocate holding brief on behalf of Mr. Bheeru Lal advocate for respondents No.2 to 5 filed objections. *Mukhtiarkar* (Revenue) Taluka Dahli filed his report along with relevant documents; the same is taken on record. Copy has been supplied to the parties.

4. After going through the report of Mukhtiarkar (Revenue) Taluka Dahli and arguing the matter at some length, both parties agreed to the disposal of the instant petition in terms that the learned trial court shall allow the petitioner to produce documents as disclosed in the order dated 25-10-2023, subject to all just exceptions as provided under the law.

5. *Mukhtiarkar* concerned present in court is directed to appear before the trial court for his evidence and production of record subject to his cross-examination so that the matter can be decided within one month.

6. In view of the above, the impugned orders dated 14-03-2024 & order dated 25-10-2023 are set aside and the matter is remanded to the trial Court for decision of the lis on merits by allowing the parties to produce the documents subject to all just exceptions.

7. The instant petition stands disposed of in the above terms.

JUDGE

JUDGE

Ali Sher