

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr.Rev.A.No.75 of 2022

Shamsher AlamApplicant

Vs.

Saad Imran and othersRespondent

For hearing of main case

31.10.2024

Mr. Liaquat Ali Khan, Advocate for the applicant.

Mr. Muhammad Ali Waris Lari, Advocate for Respondents.

Mr. Khadim Hussain, Addl. P.G.

ORDER

Muhammad Iqbal Kalhoro, J:- Applicant was tenant of Shop No.G-38 and G-39, Orisent Tower, Plot No.E-8, Block-10, Gulshan-e-Iqbal Karachi, and owner of the said shops was Nooruddin. The respondents and their relatives particularly, respondent No.4 is niece of owner who had left for India in the year 2003 and from India he went to Japan. Applicant filed a direct complaint u/s 3/4 of Illegal Dispossession Act, 2005, alleging that respondents initially tried to dispossess him from the said shops, where he was running a real estate agency, hence he filed a Civil Suit No.1339 of 2018. However, during pendency of the civil suit, he was dispossessed forcibly after beating by the respondents, hence he filed an FIR in Crime No.225 of 2021 against them. Besides above he also filed the complaint in hand. After preliminary enquiry, the complaint has been dismissed by the trial Court vide impugned order, hence this criminal revision application.

2. The case of the applicant is that he was dispossessed by the respondents without due course of law after beating but the trial court has not considered the same points while dismissing the complaint in limine and this is a fit case to be remanded to the trial court for a fresh consideration. These arguments have been refuted by learned counsel for the respondents so also learned Addl.P.G., who has supported the impugned order.

3. I have considered the submissions of the parties, it appears that the civil suit filed by the applicant against his forceful dispossession was

dismissed due to lack of evidence and the respondents have already been acquitted from the subject FIR by the trial Court. The impugned order shows that the reports from the relevant quarters were called, which showed that applicant vacated the premises only after accepting an amount of Rs.80,000/-. The applicant was the tenant and had no concern whatsoever with the property. His attempts against the respondents to save his possession of the shops have already been frustrated by due course of law. There is no confidence inspiring evidence to suggest that he was dispossessed as alleged by him. I, therefore, find no illegality in the impugned order and dismissed his application.

4. The criminal revision application is accordingly disposed of.

JUDGE

Imran