## ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

## CR. APPEAL NO.772/2019

Date	Order with signature of Judge

For hearing of main case.

## 28.10.2022

Mr. Naveed Anjum advocate for appellant.

Mr. Liaquat Ali Khan advocate for intervener.

Ms. Seema Zaidi, APG.

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Relevant portion of the impugned order is that :-

"I have gone through the material available on record. Complainant has alleged that he is real owner of plot in dispute which he purchased from Raja Dilawar through his registered general attorney Imtiaz and such sale deed was duly executed which was followed by mutation entry. After getting possession he constructed room and put household articles on roof and locked it for further construction of house. In 2007 he employed one Muhammad Sadiq Bilal Shaikh for looking construction work. The proposed accused stopped construction by force and dispossessed his employee in 2008, and illegally occupied the property in dispute. report submitted by S.H.O of the P.S reveals that one Yara Khan S/o Jalil was found in occupation of said house along with his family for last 15/16 years and neighbors also verified about his said prolong occupation. It is significant to mention that entire complaint is silent about name of any occupant. The dispute in view of the report of SHO appears to be of civil nature. No offence under Section 3 and 4 of Illegal Dispossession Act appears to have made Complainant may seek legal remedy as to recovery of possession before the competent Civil Court, if he is so advised. Present complaint is not maintainable, accordingly it is dismissed."

2. I have heard learned counsel for respective parties. Case of the appellant is that his property was under construction but respondent No.1 dispossessed the appellant, accordingly he filed suit for declaration and possession which is pending for adjudication.

- 3. Perusal of impugned order shows it is in accordance with law. There is no sufficient evidence to demonstrate that appellant was dispossessed with force. Appeal is dismissed.
- 4. Appellant would be at liberty to contest his case before civil court.

JUDGE

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