

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Constt: Pett: No. D- 418 of 2018.

Date Order with signature of Hon'ble Judge

For orders on maintainability of main case.

26.9.2018.

Mr. Shahzado Sodhar, advocate for the petitioner.

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It is claimed by the petitioner that his mother namely Mst. Dhayani was shareholder of the property bearing survey Nos. 128/4, 128/1-A, 175/4, 176/1, 174/3, 176/4, 175/1, 175/4, 176/1, 176/3 176/4, 176/2, 225/1, 226/1, 180/1, 180/4 total area 44-05 acres and after her death the other co- sharers have got *foti khata* mutation in their names. Learned counsel states that the petitioner approached the concerned Deputy Commissioner for the *foti khata* after death of his mother but since the land is in possession of Mohammad Hashim Magsi, the respondent No.7 who claims that his father and uncle had purchased the property from the *khatedar*, his grievances were not redressed.

Apparently, this petition carries factual controversy with regard to the title and possession of immovable property which controversy can not be resolved by this Court in its constitutional jurisdiction under article 199 of the constitution as the resolution of the same require recording of pro and contra evidence of the parties which is the domain of the Civil Court, hence the instant petition is dismissed leaving the petitioner to approach the concerned forum for the redressal of his grievances.


JUDGE


JUDGE