



ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
RA No. S-165 of 2012

---

Date: Order with signature of Judge

---

1. For orders on office objections
  2. For orders on CMA No.4867/14
  3. For hearing of CMA No.4625/12
  4. For hearing of main case
- 

12.3.2018

Mr. Farhan Zia Abrar for applicant  
Mr. Shabbir Ahmed Shaikh for respondent No.1  
Mr. Aqil Zaidi for respondent No.2  
.X.X.X.X.

Learned Counsel for applicant has pointed out that without seeking a declaration as to the status of the land over which the subject plots have been carved out, the suit could not have been decreed out rightly in favour of the respondent. He submits that it is a suit in terms of Section 42 of the Specific Relief Act but the interest of respondent No.2/plaintiff over the plot has to be categorical. He may or may not be right in saying that the plot was unlawfully carved out but such declaration is inevitable as to the status of the land in terms of Section 42 of the Specific Relief Act.

Mr. Shabbir Shaikh submits that there is sufficient evidence on record to determine the status of the land. He concedes that no declaration has been sought in respect of the status of the subject land over which the plots have been carved out regarding which cancellation has been sought. He requests that in case this Court is not inclined to add such relief, he may be allowed to move yet another application for amendment in the prayer clause and submits that he would not lead further evidence in the matter.

In view of the above and as agreed by the Counsels two impugned orders are set aside and case is remanded to the trial Court who may consider the application for amendment in prayer clause and since no

✓  
further evidence is required as stated by respondent No.1's Counsel, the application be heard and the suit be disposed in accordance with law.



The Counsel/parties may appear before the trial Court on 24.3.2018 and the suit be disposed of preferably within two months.

The revision application along with pending applications stands disposed in view of the above.

A handwritten signature in black ink, appearing to be a stylized 'J' or similar character.

Judge