

# IN THE HIGH COURT OF SINDH AT KARACHI

HCA 235 of 2024

Present:

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Muhammad Osman Ali Hadi

[Hanif Bin Shakoor V. Mst. Yasmi Zafar Khan & others]

Date of hearing : 11.02.2025  
Date of decision : 11.02.2025  
Appellant : Through Mr. Sarfaraz Ali Metlo, Advocate.  
Respondent No.1 : Through Mr. Abdul Moiz Jaffery, Advocate.

## **ORDER**

**Muhammad Iqbal Kalhoro, J:** This Appeal has been filed against the impugned order dated 05.06.2024, passed by the learned Single Judge of this Court in Suit No.492/2024 between the parties appointing Nazir as a Commissioner with directions to take over possession of the subject property.

2. The case of the Appellant is that he is in possession of the property undisputedly and has got some documents to show that he is owner of the said property. This order was passed in absence of the Appellant without even hearing him. The question of possession is essence of the Suit, cannot be summarily decided. The fact that this order was passed in absence of the Appellant is not contested by the other side. Therefore, with the consent, we set-aside the order dated 05.06.2024 to the extent of appointing Nazir to take over possession of the subject property and remand the case to the learned Single Judge to hear the parties afresh and pass a fresh order.

The Appeal is disposed of accordingly in above terms.

**JUDGE**

**JUDGE**

M. Khan