

IN THE HIGH COURT OF SINDH AT KARACHI

HCA No. 293 of 2022

Present:

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Muhammad Osman Ali Hadi

[S.I.T.E. Limited Vs. Pir Muhammad & others]

Date of hearing : 04.03.2025
Date of decision : 04.03.2025
Appellant : Through Ms. Sofia Saeed Shah, Advocate.
Respondent Nos.1 to 9 : Through Mr. Zia-ul-Haq Makhdoom, Advocate.
Official Respondents : Through Mr. M. Hisham Mahar, A.A.G., Sindh.

JUDGMENT

Muhammad Iqbal Kalhoro, J: This Appeal impugns the order dated 10.08.2022, passed by the learned Single Judge of this Court in various Suits, while hearing a number of CMAs. Exact grievance of the Appellant is an observation in Para No.1, stating that “In these conditions the Official Assignee is also directed to do the needful in relation to Phase-1 also”.

2. The case of the Appellant is that all the properties on which there is a dispute between the parties are situated in Phase-2, which the Official Assignee was directed to inspect and submit a report on. However, when the report was submitted, counsel for the Plaintiffs / Respondents raised the issue that this inspection was limited to only Phase-2 and Phase-1 has been left out, whereas, there is a controversy involving Phase-1 also.

3. Learned counsel for the Appellant in such context has urged that the entire property is situated in Phase-2; therefore, such observation cannot be passed as it will be a futile exercise, consuming unnecessary time of the parties and their counsel.

4. Be that as it may, since the learned counsel for Respondents submits that the Respondents have some property which is situated in Phase-1; therefore, it would be unbecoming to order for inspection in respect of Phase-2 only. We do not find any issue, if the inspection, by the Official

Assignee in relation to Phase-1, is carried out. It appears that originally the SITE was granted 1000 acres of the land in the area, which they have divided as Phase-1 & Phase-2. The basic issue is over demarcation of the property as multiple parties on the spot are in possession thereof. Some are tracing their right to allotment from Board of Revenue, and some are deriving title from the SITE which is yet to be decided..

5. More so, by the impugned order even the Misc. Applications in the hearing of which this order was passed were not disposed of by the learned Single Judge. In these circumstances, the Appellant has the option to agitate the same issue before the learned Single Judge, instead of doing in this Appeal, which is pending for lost three years only for figuring out the fact whether the property in question is situated in Phase-1 or Phase-2. But in any case, in the prospective inspection report, all the relevant facts would come out and the dispute would narrow down to specific area, the bone of contention between Plaintiffs and Respondents. Therefore, we dispose of this Appeal by upholding the impugned observation. Let the Suits be decided on merits expeditiously.

The Appeal is disposed of accordingly in above terms.

JUDGE

JUDGE

M. Khan