

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-2662 of 2024

(Sidra Ghaffar & Others v. The Province of Sindh & Others)

DATE: **ORDER WITH SIGNATURE(s) OF JUDGE(s)**

1. For Orders on Office Objection No. 30
2. For Order on CMA No. 12155 / 2024 (Exemption App.)
3. For Order on CMA No. 12156 / 2024 (Stay App.)
4. For Hearing of Main Case

10-3-2025

Mr. Ali Nawaz Khuhawar for Petitioners

The Petitioners assert ownership of approximately 392.3 acres of agricultural *barani* land in Jamshoro, Sindh, through inheritance, claiming to be the legal heirs (specifically, the widow and children) of the deceased owner (late Mehmood A. Ghaffar), who is alleged to have owned the said lands ("**Subject Lands**"). The record displays that a Civil Suit No.30/2024, filed by Petitioner No.1 before the Senior Civil Judge, Jamshoro (**Court File Pg. 329, Annex H**), is currently pending, wherein Petitioner No.1 has prayed for a court order directing the revenue functionary to mutate the Subject Lands in favour of the Petitioners.

The Petitioners' Counsel contends that two labourers working on the Subject Lands were unlawfully detained by the official Respondent No.12 and later recovered by the concerned Magistrate. When questioned whether an FIR had been registered regarding the incident, Counsel referenced paragraph 15 and Ground "e" of the Petition and stated that while he had not annexed a copy of the order with the Petition, the concerned court had issued a directive for its registration; however, no FIR had been lodged despite that order. Upon further inquiry as to whether the non-compliance had been brought to the attention of the relevant court, the Counsel affirmed that it had, and that the proceedings were pending adjudication.

Given that the Petitioners have already invoked an alternative remedy before the appropriate forum, it follows that they should pursue that course of action to its logical conclusion instead of running to this Court. The legal process requires that once a remedy has been pursued, the concerned party must allow it to reach its final determination and await the outcome of the proceedings they have already initiated, rather than attempting to bypass or circumvent it by prematurely approaching another forum.

An additional aspect of this case warrants attention. According to the Office Objection, the territorial jurisdiction in the matter lies with the Circuit Court Hyderabad. The Petitioners' Counsel, in his hand-written reply at the time of filing,

justified instituting the Petition before this Court on the grounds that the Division Bench in said Circuit Court did not convene on Mondays and Tuesdays and, due to the matter's purported "*grave urgency*", permission was granted by then Honourable Chief Justice for its filing here. However, despite this assertion, the Petition (filed on 27.5.2024) was only put up before this Court for the first time today (10.3.2025) i.e. nearly ten months after its filing. This evident failure to act with urgency and diligence in pursuing the case contradicts the Petitioners' claim of "*grave urgency*" and suggests an abuse of the Court's process.

In view of the foregoing, the present Petition being misconceived is **dismissed in limine.**

JUDGE

JUDGE