

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

R.A. No.108 of 2016

Habibullah & others  
Versus  
Government of Sindh & others



Date	Order with signature of Judge
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1. For hearing of CMA 8568/16
2. For hearing of main case.

Dated: 08.02.2018

Mr. Siraj Ahmed Mangi for applicant.  
Ms. Yasmin Sultana, State counsel for official respondents.  
Mr. Muhammad Sharif Buriro for respondent No.8.

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Muhammad Shafi Siddiqui, J.- This Revision Application impugns the order of the appellate Court which has affirmed the order of the trial Court whereby the plaint of the applicants was rejected.

I have heard the learned counsel and perused the material available on record.

The applicants filed suit for declaration, possession and permanent injunction mainly seeking declaration that the plaintiffs/ applicants are lawful owners of subject plots of land. The appellate Court maintained the order of the trial Court whereby the plaint was rejected on the ground that the Sanads/allotment orders are not the title documents and hence since they (applicants) have not shown any interest in the execution of conveyance deed, therefor, plaint is liable to be rejected and such orders are impugned here.

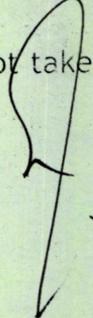
This ground could hardly be the scope of Order VII Rule 11 CPC insofar as the rejection of the plaint is concerned. The suit of the applicants was to the extent that applicants are the lawful owners of the

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subject plots and conveyance deeds may not have been executed but these Sanads and allotment orders are only initial documents insofar as the claim of the applicants are concerned.

I do not see any reason that led to the rejection of plaint by the trial Court as well as appellate Court on the above finding as to non-availability of conveyance deeds when other related and preliminary documents have been shown and produced. More importantly this was a suit for declaration of the title which may lead and culminate into an ultimate title, if proceeded on merits. The applicants cannot be ousted from availing their remedy on account of absence and/or non-availability of documents for which the suit itself was filed.

In view of the above this Revision Application is allowed. The two impugned orders i.e. of trial Court dated 19.01.2016 in Suit No.859 of 2015 and of appellate Court dated 20.09.2016 in Civil Appeal No.11 of 2016 are set aside and the case is remanded to the trial Court to proceed with the suit and decide it on merits after framing of issues and allowing the parties to lead evidence. The trial Court may not take more than six months to decide the suit.



Judge