

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

IInd Appeal No.32 of 2013

DATE	ORDER WITH SIGNATURE OF JUDGE
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28.02.2025

Partly heard the Appellant Mir Aijaz Hussain Talpur who is present in person. On the last date, clear directions were issued that a short controversy is involved in this matter and the matter will proceed today, however no one is present on behalf of the Respondents. The appellant points out that upon a sale agreement of the year 2009, he purchased 244 acres of land and out of total sale consideration, 75% was paid through cheque to Respondents 1 to 4 and possession was also handed over to him, whereas the balance 25% was to be paid upon completion of documents. He further states that in 2011, subject land was illegally dispossessed by Respondents 1 to 4 from his harries. The appellant filed Suit No.13/2011 for specific performance of contract which was rejected under Order 7 Rule 11 CPC and such Order was also upheld by the learned Appellate Court in Civil Appeal No.60/2013. The appellant further points out that in the year 2011, the Respondents 1 to 4 illegally and purportedly sold the said land to subsequent buyers (Respondents 5 to 12) who were all minors and the prayer for cancellation of such transaction was also made in his Suit. He further states that he has been nonsuited in a slipshod manner and his fundamental right of fair trial has been infringed under Article 10-A of the Constitution, whereas he ought to have been allowed to lead evidence in his Suit to establish questions of fact, which otherwise could not have been established nor anything beyond plaint could have been considered by the learned Trial Court or the Appellate Court. He also informs that with respect to his Suit for

possession No.57/2016, the same was dismissed on the basis of the Order passed by the learned Trial Court and the Appellate Court, which is subject matter of the present Appeal. He also wishes to refer to certain judgments of the Supreme Court on this point, however since no one is present on behalf of the Respondents, let the matter be fixed on 12.03.2025 at 10:30 a.m. with intimation notices to the learned Counsel for the Respondents.

J U D G E

Ali Haider