

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS**

**Civil Revision Application No.S-309 of 2024**

Applicants: Abdul Ghaffar and 03 others,  
Through Mr. Tehseen Ahmed Qureshi,  
Advocate.

Respondents No.1 to 5: Shrimati Jimi Bai and others,  
Through Mr. Sundar Das, Advocate.

Respondents No.6 to 15: None present.

Official Respondents: Through Mr. Muhammad Shareef Solangi,  
Assistant A.G Sindh.

Date of Hearing: 27.10.2025

Date of Order: 12.11.2025

**O R D E R**

**Shamsuddin Abbasi, J:** Perusal of the record reflects that F.C Suit No.92/2019 filed by the applicant was rejected under Order VII Rule 11 C.P.C, which was challenged in Civil Appeal No.07/2021. While setting aside the order of rejection of the plaint, and instead of remanding the matter back to the learned trial court, the learned Appellate Judge proceeded to direct the concerned Deputy Commissioner, Mukhtiarkar and Assistant Commissioner Umerkot of the relevant jurisdiction to proceed with mutation of the subject property in accordance with the Hindu Law of inheritance. Such directions practically amounted to granting the prayers of one of the parties to the suit, without even a decision on the same by the learned trial court and without even a trial having been conducted on the same. Such directions were therefore clearly in excess of the jurisdiction of the learned appellate court. While setting aside the order whereby the suit was rejected under Order VII Rule 11 CPC, the appellate court could

only have remanded the matter back to the learned trial court for proceeding with the case in accordance with law.

The impugned order is therefore partly set aside, in the terms that the order dated 30.01.2021 passed by the learned Senior Civil Judge-I, Umerkot, whereby the plaint in F.C Suit No.92/2019 was rejected, and the impugned judgment dated 18.10.2022 passed by the learned Additional District Judge-II, Umerkot in Civil Appeal No.07/2021, are therefore set-aside. The plaint of the said suit is restored to its original position, and the suit is remanded back to the learned trial court for decision on the suit on merits, after framing of issues and after proceeding with the trial in the subject suit, strictly in accordance with law.

**JUDGE**

***\*Faisal\****