

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Rev. Application No. S-112 of 2019

Applicant : Syed Imam Ali Shah s/o Syed Ahtasham Ali Shah
Through Mr. Abdul Hafeez Bandhani, Advocate

Respondent No.8 : Zulfiqar Ali s/o Sirajuddin, Rajput
Through Mr. Achar Khan Gabol, Advocate

The State : Through Mr. Zulfiqar Ali Naich, Asst. A.G

Date of hearing : 15.12.2025

Date of decision : 15.12.2025

ORDER

KHALID HUSSAIN SHAHANI, J.– The applicant, Syed Imam Ali Shah, has invoked the revisional jurisdiction of this Court, calling in question the judgment and decree dated 09.05.2019, passed by the learned Additional District Judge-III, Naushahro Feroze, in Civil Appeal No.116 of 2016 Re- (*Syed Imam Ali Shah v. Government of Sindh and others*), whereby the appeal was dismissed and the judgment and decree dated 13.04.2018, passed by the learned Senior Civil Judge-II, Naushahro Feroze, in Old F.C Suit No.87 of 2016, re-numbered as New F.C Suit No.223 of 2016 (*Imam Ali Shah v. Government of Sindh and others*), filed by the applicant, was maintained.

2. Vide order dated 30.10.2025, after hearing the learned counsel for the respective parties as well as the learned Asst. A.G, this Court appointed the Deputy Registrar of this Court as Commissioner to supervise a demarcation/survey, as the entire controversy between the parties hinged upon a singular issue; namely, whether the Araw machine belonging to respondent No.8 falls within the boundaries of Survey No.772, Deh Jalbani, or otherwise. By consent of the parties, the Mukhtiarkar (Revenue), Bhiria, and the Survey Superintendent, Khairpur, were directed to visit the site, conduct a survey in the light of the relevant revenue record, and submit a comprehensive report.

3. In compliance, and under the supervision of the Deputy Registrar of this Court, the survey was duly conducted and a comprehensive report has been

submitted. The said report unequivocally reflects that the Araw machine does not fall within Survey No.772, owned by the applicant, except to the limited extent of 132 sq.ft. of Survey No.772 as delineated in the annexed sketch with green ink.

4. Learned counsel for respondent No.8, on instructions, candidly states that respondent No.8 is willing and ready to hand over vacant possession of the said 132 sq. ft. portion to the applicant. Learned counsel for the applicant, being satisfied with the report and the statement so made, does not press the present Civil Revision Application.

5. In view of the report submitted by the Survey Superintendent, the supervising note of the Deputy Registrar, and the statements made at the bar by learned counsel for the parties, the instant Civil Revision Application is dismissed as withdrawn. There shall be no order as to costs.

J U D G E