

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
CP No.S-614 of 2025
[Niaz Ahmed v. Province of Sindh and others]

Date	Order with signature(s) of Judge(s)
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1. For orders on CMA No.5703/2025
2. For hearing of CMA No.5554/2025
3. For hearing of CMA No.5553/2025
4. For hearing of CMA No.9504/2025

02.02.2026

Mr. M. Hanif Faisal Alam alongwith Mr. Suhaib Asif, advocates for the Petitioner
Mr. Zohaib Sarki, advocate for the Applicant/Intervener

ORDER

Nisar Ahmed Bhanbhro, J. This order will dispose of instant CMAs filed by the applicant/intervener seeking reversal of the order dated 25.07.2025 whereby orders dated 30.04.2024, 08.07.2024 and 15.07.2025 passed by Revenue hierarchy were set aside and entries in the revenue record were ordered to be restored in favour of the petitioner.

2. It is the case of the petitioner that he owned property bearing Survey Nos.396 from Na-Class No.215, Deh Sharabi, Tappo Ibrahim Hyderi, Taluka Karachi (East) measuring 02-20 acres. Such entries were incorporated in his father's name right from 1960 and said entries were cancelled by the Revenue Authority under a suo moto reference. After the cancellation of the entries, disturbance was caused to the peaceful possession of the petitioner, therefore, he filed instant petition with following prayers:

- "a) To declare that the unlawful hindrance of the Respondents in Petitioner's peaceful possession of the Subject Property is illegal, unlawful and unconstitutional.*
- b) To declare that the Respondent Nos.9 and 10 are liable to afford the Petitioner necessary protection against harassment and illegal interference in the uninterrupted utility of Subject Property.*
- c) Grant cost of the petition and any other relief(s) which this Honorable Court may deem fit for the disposal of instant petition."*

3. On the first date of hearing, the petition was disposed of and allowed with the following directions:

"In these circumstances, this Court is left with no other option but to set aside the orders dated 30.04.2024 and 08.07.2024 passed by Respondent No.3 in Suo Moto Reference of Transfer Case Nos. 46 and 47 of 2022, respectively, (Annexure J/1 and J/2) and order dated

15.07.2025 passed by Respondent No.4 (Annexure K) which are declared as illegal and void ab-initio; hence are set aside. As a result, the cancellation of entries made in favor of the Petitioner and the Ghat Wadh Form No. 22 are directed to be restored forthwith. The Respondents are directed to ensure compliance of this order within thirty (30) days and submit a report specifically mentioning therein restoration of the entries in favor of the Petitioner as well as Ghat Wadh Form in respect of the subject property. The Respondents shall also not create any harassment or interference in peaceful enjoyment of possession of the Petitioner with regard to the subject property. Let a copy of this order be communicated to the Respondents through all modes including the electronic mode. The counsel for the Petitioner shall ensure provision of mobile numbers of the Respondents so that the order be communicated electronically. The office shall also file such record showing the service of notice.

The petition in above terms is allowed and is disposed of accordingly."

4. Instant CMA was preferred by the applicant on the ground that infact he was real owner of the property and under the garb of Court orders, the petitioner was creating interest adverse to the applicant. It is further case of the parties that 04 Suits bearing Suit No.1412 of 2024, Suit No.1353/2022, Suit No.1472/2022 and Suit No.1093 of 2020 were also pending adjudication before different Courts on the same subject matter. It also transpires from the record that the Revenue Authorities passed orders during pendency of those Suits and the status quo order passed by this Court under its erstwhile original jurisdiction in Suit No.Nil of 2022 [re-Niaz Ahmed vs. Province of Sindh and others].

5. Mr. M. Hanif Faisal Alam, counsel for the Petitioner and Mr. Zohaib Sarki, counsel for the Applicant/Intervener after arguing the matter have consented for disposal of application filed under Section 12(2) CPC in the following manner:

- i. The parties shall seek entitlement as to the rights of their ownership through Suit lodged by them before Courts below. The order dated 25.07.2025 passed by this Court to the extent of orders dated 30.04.2024, 08.07.2024 and 15.07.2025 passed by Revenue hierarchy shall be subject to final outcome of the Suits.
- ii. If the petitioner in the present Suit succeeds, such entries shall be restored in his favour and if the applicant succeeds in making out their entitlement, the entries will be reversed and incorporated accordingly.

- iii. So far as status quo is concerned, this arrangement shall be subject to any final order passed by the Courts below on the application filed by respective parties under Order 39 Rule 1 and 2 CPC.
 - iv. The parties admit that the property in question is in possession of the petitioner Niaz Ahmed. His possession shall not be disturbed subject to final outcome of the Suits and the third-party-interest shall not be created by either side till final verdict in the Suit is delivered by the trial Court.
 - v. The trial Court shall not be influenced by any of the observations made in the order dated 25.07.2025 and subsequent orders passed by this Court and shall independently decide the case purely on merits and on the basis of evidence and material on the record.
6. All the listed/pending applications stand disposed of in the above terms.

JUDGE

Nadir/PS*