

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Second Appeal No.S-33 of 2026

Appellant: Abdul Ghafoor S/o Muhammad,
Through Mr. Aijaz Ali Rajar, Advocate.

Respondents: Syed Habibullah Shah and 07 others.

Date of Hearing: 08.04.2026.

Date of Order: 08.04.2026.

ORDER

Muhammad Jaffer Raza, J. Through the instant second appeal, the appellant has impugned the Judgment and decree dated 27.01.2026 passed in Civil Appeal No.15/2025 by the learned Additional District Judge, Khipro. The above-noted civil appeal emanated from the Judgment and decree dated 14.07.2025 passed by learned Senior Civil Judge, Khipro in F.C Suit No.74/2022. The said suit was preferred by respondents No.1 and 2 seeking a declaration that they are the owners of the subject property. Further, in the suit, it was prayed that peaceful and vacant possession be handed over to the plaintiffs along with mesne profits.

2. Learned counsel for the appellant has argued that the learned trial court framed issues incorrectly and did not frame issues pertaining to the alleged oral sale agreement between the present appellant and the father of respondents No.1 and 2.

3. I have perused the record with the assistance of learned counsel for the appellant and have specifically gone through the Judgments and decrees of the courts below.

4. It is apparent from the perusal of the record that respondents No.1 and 2 relied upon a registered sale deed, details of which are aptly recorded in paragraph No.15 of the Judgment rendered by the learned trial court. It is also noted that the present appellant did not file any suit for specific performance of contract on the

basis of the alleged oral sale agreement. Further the appellant did not file any application for modification of issues under Order XIV Rule 5 CPC.

5. In the circumstances, the concurrent findings of the courts below are sound and warrant no interference within the limited scope of Section 100 CPC. Therefore, the instant second appeal is **dismissed** in *limine* along with pending application(s).

JUDGE

Faisal