

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Revision Application No.S-42 of 2026.

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objections.
 For hearing of main case.

20.04.2026.

Mr. Aijaz Hussain Jatoi, Advocate for Applicant.

Mr. Asif Gul Bhatti, Advocate for Respondent No.6 & 8.

Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh alongwith Shafique Ahmed (Mukhtiarkar Taluka, Kotri).

Mr. Altaf Hussain Khokhar, Deputy Prosecutor General for the State.

Respondent No.1 (Ex-SHO PS Kotri Site Adam Abro).

Syed Fiaz ul Hassan Shah, J :- Through this Cr. Revision Application, the Applicant has impugned an Order dated 16.02.2026 passed by learned Additional Sessions Judge-II, Jamshoro in Complainant No.01 of 2025, whereby Application U/s 7 of Illegal Dispossession Act filed by the complainant / Applicant for interim possession of property in question was dismissed.

2. Learned counsel for Applicant states that although he had not brought the complainant and witnesses in compliance of the order passed by the Trial Court for their evidence, however, the reason given for dismissal of Application filed for interim possession was not proper as the applicant has valid title documents by virtue of registered sale deed and revenue entry entered in the record of rights in her favour.

3. On the other hand, counsel for Respondent No.6 & 8 submit that it is a village land and even the Applicant failed to bring the complainant and witnesses before the Trial Court despite various directions.

4. Mukhtiarkar Kotri, Jamshoro present in Court submits that he has submitted his report before learned Trial Court, which is correct position and as per record.

5. Heard & perused.

6. Upon perusal of report submitted by Mukhtiarkar Kotri before the Trial Court, it appears that as per official record Revenue entry No.3948 dated 22.01.2021 V.F-II Deh Sonwalhar Tapa Bolhari, Taluka Kotri area 4800 Sq Ft from un-survey entered in the name of complainant (Kalsoom) and the Trial Court has not considered material point that the Applicant is a bona fide title holder by virtue of registered document coupled with the fact that the Revenue entry is in her favour. On contrary, not a single document has been shown which could demonstrate the title of the Respondent(s) and could show that they are in lawful possession of the property in question within the ambit of Section 2 (d) of Illegal Dispossession Act, 2005.

7. In view of above, I am of the considered view that the Order passed by the learned Trial Court is not sustainable, as the findings given are contrary to the statutory clause of Section 2 (d) of Illegal Dispossession Act, 2005 and a failure to tentative determine qualified party as owner or occupier eligible for possession over the property in question, therefore, the same is hereby **set-aside** and the Application under Section 7 of the Illegal Dispossession Act filed by the complainant / Applicant for interim possession of property in question is deemed to be **pending** and shall be decided by the learned Trial Court afresh after hearing both the parties within two weeks hereof.

8. Before parting with this order, Mukhtiarkar Kotri, Jamshoro submits that due to polio duty, he was busy and could not appear before this Court on previous date of hearing and such absence was neither deliberate nor willful and prayed that show-cause notice may be vacated. Order accordingly. Show-cause issued against Mukhtiarkar, Kotri Jamshoro stands vacated.

9. Accordingly, the instant Cr. Revision Application stands **disposed of**.

JUDGE