

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No. S- 97 of 2026

[Rustam through legal heirs / attorney Qurban & others v. Province of Sindh & others]

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Petitioner:	Mr. Aqeel Ahmed Siddiqui, Advocate
	Mr. Wali Muhammad Jamari, Asstt: A.G.
Date of hearing	22.10.2026
Date of Order	22.10.2026

O R D E R

ADNAN-UL-KARIM MEMON, J. - Learned counsel for the petitioners contended that the Trial Court, vide Order dated 17.10.2025, allowed the respondents' applications under Sections 12(2) CPC and 5 of the Limitation Act and set aside the Judgment dated 14.03.1998 and Decree dated 19.03.1998. The said order was maintained by the learned Model Civil Appellate Court-II / VIth Additional District Judge, Hyderabad, vide Order dated 14.01.2026. Counsel argued that both the Courts below failed to properly consider the limitation prescribed under Article 181 of the Limitation Act and erroneously allowed the time-barred applications.

2. The revisional court observed that the original judgment and decree dated 14.03.1998 and 19.03.1998 were passed hastily without allowing the Government the statutory period of 90 days to file its written statement. The suit was decreed without proper evidence, impleading the Province of Sindh as a necessary party, or verifying the relevant record from the Settlement Department and City Survey authorities. The plaintiff also claimed 194.08 square yards, whereas the relevant documents reflected only 124.08 square yards, and subsequently sought amendment of the plaint admitting the lesser area, thereby casting serious doubt on the original decree. The court further held that the blanket injunction against Government officials was contrary to Sections 79 and 82 CPC, Order XXVII CPC and Section 56(d) of the Specific Relief Act, 1877. Consequently, the application under Section 12(2) CPC was maintainable, and the decree was liable to be set aside on grounds of fraud and misrepresentation. Finding no illegality or irregularity in the impugned orders dated 17.10.2025, the revisional court dismissed both revision applications, leaving the parties to bear their own costs.

3. When confronted with legal position of the case they agreed for disposal of the case for decision on merits by the trial court.

4. After hearing counsel for the parties at some length, they agreed that the matters be remanded to the Trial Court for fresh decision, based on evidence by

allowing the petitioners to amend their pleadings by impleading the proper and necessary parties in the proceedings.

5. Accordingly these Constitutional Petitions are disposed of. The matters are remanded to the trial court with direction to record the evidence of the parties and decide the matter in accordance with law within three months.

JUDGE

Karar_Hussain/PS*