

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P No.S-510 of 2025

[Nawaz and others vs. Province of Sindh and others]

Petitioners: By Mr. Irfan Ahmed Qureshi, Advocate

Respondents By Mr. Wali Muhammad Jamari, A.A.G

Date of hearing 22.10.2026

Date of Decision 22.10.2026

O R D E R

ADNAN-UL-KARIM MEMON J. - Petitioners have filed this petition under Article 199 of the Constitution seeking following relief(s):-

- a. That this Hon'ble Court may kindly be pleased to pass an order and set aside the impugned judgment and decree passed by the Additional District Judge Tando Muhammad Khan in revision application No.01 of 2013 and restore the Order passed by the Senior Civil Judge Tando Muhammad in F.C. Suit No.34 of 2010.
- b. That any other relief this Hon'ble Court may deem fit and proper to award the petitioners.

2. The petitioners have challenged the judgment dated 06.01.2017 passed by the Additional District Judge, Tando Muhammad Khan, whereby the judgment and decree dated 31.01.2013 passed by the Senior Civil Judge in F.C. Suit No.57/2010 was set aside, and the matter was remanded to the trial Court for fresh decision on merits.

3. The original suit was filed by the petitioners / plaintiffs seeking declaration, permanent and mandatory injunction in respect of Village Sarhandi Abad, situated on land measuring 20 acres, claiming that valid Sanads had been issued to them under the Goth Abad Scheme and that the village could not be cancelled or demolished. The trial Court decreed the suit under Order XII Rule 6 CPC on the basis of alleged admissions in the written statement of the official respondents, supported by commissioner's report. However, the revisional Court set aside the decree and directed for fresh decision after providing both parties an opportunity of hearing.

4. Learned counsel for the petitioners contended that the admissions were unequivocal and the remand order was legally unsustainable. However, after arguing the matter, both the parties agreed to the disposal of the petition with a direction for expeditious adjudication by the trial court, while requesting that no interference be caused with the subject property during the pendency of the suit.

5. The learned Assistant Advocate General did not object.

6. Consequently, without touching merits of the case, the petition is disposed of by maintaining the revisional Court's judgment, directing the trial Court to decide the matter preferably within two months, with further direction that no interference be caused by the respondents with the subject property during the intervening period and the possession should be outcome of the proceedings.

JUDGE

Karar_Hussain/PS*