

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA**

Civil Revision No. S-31 of 2025
Muhammad Afsar & others v. Muhammad Anwar & others.

Date	Orders with signature of Judge
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1. For orders on office objections 'A'.
2. For orders on C.M.A No.150/25 (S/A).
3. For hearing of main case.

17-08-2026.

Mr. Imdad Ali Mashori, Advocate for applicants.

Mr. Ghulam Dastagir A. Shahani, Advocate for respondents No.1 A to 8.

Mr. Nizamuddin Magsi, Advocate for respondents No.9-A to 9-G.

Mr. Abdul Waris Bhutto, Assistant Advocate General.

The applicants, being aggrieved by the impugned judgment and decree dated 27.01.2025 passed by the learned Additional District Judge-II, Larkana, in Civil Appeal No.03 of 2023, whereby the appeal was dismissed and the judgment and decree passed by the learned Senior Civil Judge-III, Larkana, (trial Court) were upheld, they have filed the instant Civil Revision Application. Before the learned trial Court, the applicants were arrayed as defendants.

Learned counsel for the applicants submits that, in fact, the property in question is inherited property; however, neither the learned trial Court nor the learned appellate Court properly considered this aspect and proceeded to pass the impugned judgments and decrees without properly framing the issues. He further submits that the question of jurisdiction was also not properly considered, particularly as to whether the learned trial Court had jurisdiction to entertain the suit, as the same was not maintainable and was specifically barred under Section 172 of the Land Revenue Act. Learned counsel further contends that the points for determination were not properly framed by the learned appellate

Court, which framed only one point as to whether the judgment and decree required interference. He, therefore, submits that, on the face of the record, the impugned judgment and decree are liable to be set aside. Lastly, he submits that the parties have settled their dispute and intend to file an application for compromise, which may properly be entertained by the learned trial Court if the matter is remanded.

As regards the contention relating to compromise, learned counsel for the respondents concedes and submits that the compromise may be effected if the matter is remanded to the learned trial Court.

Learned Assistant Advocate General also submits that the matter pertains to a private dispute and there is no issue involving any interference with the land by the State. He, therefore, submits that, in order to settle the dispute and avoid further litigation, the matter may be remanded to the learned trial Court for an appropriate settlement in accordance with law.

Heard and perused the record.

From the face of the record, it appears that the question of jurisdiction was not properly framed or adjudicated upon by the learned trial Court. Furthermore, while appreciating the evidence, the learned trial Court was required to record a proper finding on the relevant issue; however, no proper conclusion appears to have been recorded while deciding Issue No.1. In these circumstances, and particularly keeping in view that the parties have expressed their willingness to settle the dispute and seek an opportunity to place a compromise before the learned trial Court, remand of the matter would serve the ends of justice and would also avoid further litigation between the parties.

Accordingly, keeping in view the above circumstances, the instant Civil Revision Application is partly allowed. The impugned judgment and decree passed by the learned trial Court, as well as the decree and judgment passed by the learned appellate Court, are hereby set aside. Consequently, the matter is remanded to the

learned trial Court. In case the parties file any compromise application, the same shall be entertained and decided strictly in accordance with law. If no such application is filed, the learned trial Court shall frame proper issues, including the question of jurisdiction, and thereafter decide the suit afresh in accordance with law and the prescribed procedure, after affording proper opportunity of hearing to all concerned parties. Such exercise shall be completed within the period of three months.

In view of the above, the instant Civil Revision Application stands disposed of.

JUDGE