

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Civil Revision Application No.84 of 2020

DATE	ORDER WITH SIGNATUREs OF JUDGEs
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For orders as to maintainability of revision application

20.05.2026

None present. Same was the position on the last date of hearing, when as an indulgence, the matter was adjourned as a last chance and it was made clear that if none appears on the next date of hearing, the instant revision application shall be dismissed for non-prosecution. In view of such position, the instant civil revision application is dismissed on account of non-prosecution along with pending application(s), if any.


JUDGE

Gulshar/PS

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Justice Saman Rafat Imtiaz

Civil Revision Application No.13 of 2026

PARVEEN BEG Wd/o Bashir Beg

Versus

BUSHRA RIAZ w/o Riaz Ahmed

Applicant: Muhammad Aslam Rind, advocate

Respondents: M/s Hussain Bux Sario, advocate

Date of hearing: 13.05.2026

J U D G M E N T

Saman Rafat Imtiaz, J.- Through the instant Civil Revision Application under Section 115 of the Civil Procedure Code, 1908, Applicant [Parveen Beg] has impugned the Judgment and Decree dated 22.10.2024 passed by the learned XIV Senior Civil Judge, Karachi South whereby Civil Suit No.118/2022 filed by respondent/plaintiff Bushra Riaz was decreed and impugned Judgment and Decree dated 09.12.2025 passed by the learned Additional District Judge-VI, Karachi South whereby the 1st Civil Appeal No.309/2024 filed by the Applicant/Defendant was dismissed, hence the instant Appeal.

2. Brief facts involved in the instant matter are that the deceased husband of the Applicant was the father of the Respondent/Plaintiff namely Bushra Baig. The Deceased had four children, namely, Muhammad Saleem, Tasneem Fazal, Bushra Riaz/Plaintiff and Rukhsana from his first wife late Naseem Akhtar, who died in the year 2000. He entered into second marriage with Appellant/Defendant in the year 2002 at the age of about 72 years old. However, deceased has no issue/child from the said wedlock. The Respondent/Plaintiff filed Civil Suit No.118 of 2022 for Declaration, Recovery of Possession and Permanent Injunction alleging that she owns and possesses Flat admeasuring 670 sq. yards situated at 1st floor, Plot No.6 MAC-II, Mehmoodabad Gate Karachi ("**Suit Flat**") by virtue of Gift Deed dated 17.06.2002, registration No.2029, M.F. Roll # U-34800828 dated 15-07-2002 registered at Sub-Registrar T. Division II-A, Karachi and that the physical possession of the said flat was handed over by the donor/father to donee/daughter (Respondent) on the day and date of execution of registered deed. The father of Respondent/Plaintiff died on 03.09.2021 at the age of 91 years. It was alleged that on such unfortunate occasion of his demise, Respondent/Plaintiff kept his widow Applicant/Defendant on her request/desire

at the Suit Flat for the purpose of completion of iddat period. After completion of iddat period of Applicant/Defendant, Respondent/Plaintiff requested her to vacate the Subject Flat as agreed but unfortunately, she refused to vacate the same and hand over the peaceful possession of Suit Flat to Respondent/Plaintiff. The Trial Court framed issues and recorded evidence. Vide the Impugned Judgment and Decree dated 22.10.2024 the Trial Court decreed the suit of the Respondent/Plaintiff as prayed. The Applicant/Defendant filed an appeal which too was dismissed vide the Impugned Judgment and Decree dated 09.12.2025.

3. The learned counsel for Applicant argued that both the Courts below have erred by failing to appreciate that the Deceased husband of the Applicant, who is the father of the Respondent, during his lifetime challenged the registered Gift Deed relied upon by the Respondent to assert her ownership claim of the Subject Flat before learned Senior Civil Judge-X, Karachi South in Civil Suit No.367/2013 which was dismissed vide judgment and decree dated 24.02.2016 in favour of Respondent/Plaintiff and that it was only due to the death of the Deceased that the appeal he filed to challenge the said judgment and decree in the suit filed by him for Cancellation of the registered Gift Deed could not be pursued. The learned counsel for Applicant further argued that admittedly the Applicant along with her deceased husband was residing in the Subject Flat since their marriage, which conclusively shows that there was no delivery of the possession of the Subject Flat without which the gift was not valid.

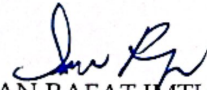
4. Urgent application was filed by the learned counsel for Applicant on 06.05.2026, which was granted in view of the statement that writ of possession has been issued in Execution Application and the matter was adjourned for today i.e. 13.05.2026. No one is in attendance on behalf of the Respondent today, therefore, the matter is being proceeded against the Respondent *ex parte*.

5. Admittedly, the Civil Suit No.367/2013 for Cancellation of the registered Gift Deed filed by Deceased Bashir Baig, who was the husband of the Applicant and father of Respondent and the Donor of the Subject Flat to the Respondent by way of Gift was dismissed on merits. Perusal of the said Judgment dated 24.02.2016 shows that the learned trial Court was satisfied that the said registered Gift Deed is not liable for cancellation *inter alia* in view of the testimony of two witnesses thereof, who were blood relations of the Deceased but still gave their evidence against the Deceased. Insofar as the delivery of the possession of the Subject Flat is concerned, the Hon'ble Supreme Court in the case reported as *Riaz Ullah Khan Vs. Asghar Ali*, 2004 SCMR 1701 in which a registered gift deed was challenged held that delivery of the possession is immaterial for a valid gift by a

Muslim in case of gifts between husband and wife, parents and ward given the dynamics of such relationships.

6. Insofar as the Appeal filed by the Deceased against the said Judgment is concerned, the same was dismissed for non-prosecution. The learned counsel for Applicant contended that such dismissal was on account of death of the Deceased. Be that as it may, the registered Gift Deed in favour of the Respondent is intact. In view thereof, the declaration of the two Courts below, confirming the ownership rights of the Respondent in respect of the Subject Flat warrants no interference by this Court.

7. In view of the foregoing the instant Civil Revision Application is without merit, the impugned judgments are unexceptionable, hence the same is dismissed.


(SAMAN RAFAT IMTIAZ)
JUDGE

Announced in open Court on the 03rd of June, 2026