

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

Civil Revision Application No.174 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE
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Fresh Case

1. For order on CMA No.5819/2026
2. For order on CMA No.5820/2026
3. For hearing of main case
4. For order on CMA No.5821/2026

25.08.2026

Mr. Muhammad Abid Rajput, Advocate for the applicants

1. Urgency is granted.
2. Exemption is granted subject to all just exceptions.

3&4. Learned counsel for the applicants submits that the impugned order is factually incorrect and legally erroneous as the applicants will not be left with any relief if the amount is deposited in Court as directed vide the impugned order.

Heard the counsel and perused the record.

Perusal of the record shows that the respondent No.1 filed Civil Suit No.2445 of 2019 in the Court of IXth Senior Civil Judge, Karachi, East, for declaration, possession, mesne profit and injunction praying, *inter alia*, for declaration that they are owner of the suit house bearing No.EJL-15/37, near H/153/7, measuring 45 sq. yds., situated at Jacob Lines, Nursery Road, Karachi, and claiming possession alongwith mesne profits and claiming that the applicants are merely licensee whose predecessor-in-interest i.e. mother was allowed to live in the suit house alongwith family on humanitarian grounds as she was the sister in law of the respondent No.1. The predecessor-in-interest/mother was asked to vacate the house but before she vacated she died without fulfilling her commitments to deliver the possession of the suit house. The suit was decreed in favour of the respondent No.1 to the extent that she was

held to be the lawful owner of the suit house and the applicants were directed to hand over vacant possession of the suit property and also to pay mesne profit @ Rs.10,000/- per month with effect from the date of institution of the suit i.e. 12.12.2019 till the delivery of possession.

The applicants have filed Civil Appeal No.162 of 2025 against the judgment and decree and alongwith the memo of appeal an application under Order XXXIX Rules 1 and 2 CPC was filed seeking suspension of the judgment and decree dated 05.04.2025 which has been allowed by the impugned order subject to furnishing of security/deposit of the decretal amount in terms of Order XLI Rule 5 CPC within a period of 15 days from the date of order.

The applicants through the written statement claimed to have purchased the suit property from their own funds. The judgment and decree dated 05.04.2025 of the trial Court shows that the applicants have relied on a sale agreement dated 08.12.1985 to prove their claim of ownership which was purportedly executed with the respondent No.1. However, the said respondent No.1 denies the execution thereof. It is settled law that sale agreement is not a title document. Nevertheless, the applicants are admittedly in possession of the suit house and their appeal against the judgment and decree is pending.

In view thereof, I find no infirmity in the impugned order to the extent that it requires the applicants to deposit the decretal amount within a period of 15 day as a condition for suspension of the Trial Court Judgment and Decree. No misreading or non-reading of evidence could be highlighted by the learned counsel for the applicants who kept on repeating that the applicants will be left with nothing which is not legally sufficient ground to interfere with the impugned order more so because on the flipside the respondent No.1 despite having proved their ownership of the suit house is without possession and also not receiving any rent from the applicants who are admittedly in occupation of the suit house. In view of the above, the instant revision application is dismissed *in limine* alongwith listed application.


JUDGE