HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. S- 542 of 2023
[Muhammad Azeem Khan v. Masoor Ahmed & others]

CP No. S- 544 of 2023
[Zulfiqar Ali v. Masoor Ahmed & others]

Mr. Sartar Iqbal Panhwar, Advocate for petitioner(s)

Barrister Jawad Ahmed Qureshi & Osama Parhyar, Advocate for respondents(s)

Mr. Allah Bachayo Soomro, Addl. A.G.

Date of hearing	29.10.2026
Date of Order	29.10.2026

O R D E R

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ADNAN-UL-KARIM MEMON, J:- This court has been informed that these petitions were dismissed on account of non-prosecution vide order dated 1.12.2025 and thereafter restoration applications were allowed and the petitions were restored to their original position vide order dated 9.3.2026.

2. The learned Senior Civil Judge, Matli has submitted report dated 14.4.2026 with the narration that this court directed to maintain status-quo; however, the execution proceedings had already been finally decided on 26.3.2026 prior to the issuance of said order; therefore, no proceedings were pending before the Executing Court and no further action was taken as such there has been no willful disobedience or violation of the order dated 18.4.2025 and subsequent order dated 19.9.2025 was passed in accordance with law based on material.

3. Today these matters are taken up along with CP No. S- 223, 224 & 225 of 2026 and are being disposed of in line with the order passed in the aforesaid petition. An excerpt of the order is reproduced as under:-

> "8. Since the demarcation report indicates the involvement of government land, while the petitioners rely upon the decree in their favor, the matter requires fresh exercise of demarcation to ascertain the true status of the disputed premises. The competent revenue authorities shall undertake such exercise through fresh demarcation in the presence of the parties or their duly authorized representatives, after providing them a fair opportunity to participate and raise objections. The exercise shall be completed within two months from the receipt of this order. If the subject shops are found to be situated on government land, the competent authority shall retain them in custody, subject to all just exceptions and in accordance with applicable law. However, if the demarcation establishes that the shops fall within the petitioners' private property and are covered by the decree, the Executing Court shall take appropriate steps for implementation of the decree in accordance with law. Until completion of the aforesaid exercise and further

orders, the subject property shall remain in the custody of Trial/Executing Court, which shall preserve its existing status and ensure that no party creates any third-party interest or alters its nature. However, if any party is aggrieved against the demarcation report, may avail remedy as per law."

JUDGE

Karar_Hussain/PS*