

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-3201 of 2025
[Shamim Akhtar v. Government of Sindh and others]

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| DATE | ORDER WITH SIGNATURE OF JUDGE(S). |
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Before:
Mr. Justice Yousuf Ali Sayeed;
Mr. Justice Abdul Hamid Bhurgri.

- 1. For orders on office objections.
- 2. For orders on CMA No.13815/25.
- 3. For orders on CMA No.13816/25.
- 4. For hearing of main case.

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Date of hearing:- 30.09.2025

Ms. Shamim Akhtar, Advocate/Petitioner present in person.

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Abdul Hamid Bhurgri, J.- The petitioner through this petition seeks following relief:-

- a). To Direct the Respondent No. 4 & 5 to Transfer/ Execute the Title Documents of the Said Property in Favor of the Petitioner before the Respondent No.2 & 3 or Directly Direct to the Respondent No.2 & 3 to Transfer/Execute the Title Documents in Favor of the Petitioner, as Now the Lease has been opened of such Locality.
- b). To Restrain the Respondents their agents, subordinates, colloquies, friends, companions, staff or anybody else act on their behalf from creating any third party, dispossessing, visiting the said property in any manners whatsoever in nature till the Final Disposal of the main Petition.
- c). Grant any other relief deemed just and proper in the circumstances of the case.
- d). Cost of the Petition.

2. The case of the Petitioner is that she purchased the property mentioned in paragraph 2 of the Petition from Respondent Nos. 4 and 5 in the year 2019, for a total sale consideration of Rs.12,000,000/-, paid through Pay Orders and Cheques, which are duly reflected in her bank statements. After obtaining possession of the said property, the Petitioner constructed 17 commercial shops thereon, incurring substantial expenditure. It is further stated that upon completion of the construction, and after letting out some of the shops on rent, Respondent Nos. 4 and 5, in collusion with the official Respondents and with mala fide intent, demolished the constructed

premises along with valuable goods, thereby causing significant financial loss to the Petitioner. The Petitioner further submits that she has already instituted a Civil Suit as well as a Constitutional Petition before this Court in respect of the same dispute. In addition, she filed applications under Sections 22-A and 22-B of the Criminal Procedure Code to safeguard her legal rights. She alleges that Respondent Nos. 4 and 5 are now illegally attempting to repossess the property and are exerting undue pressure on her to resell it at a substantially undervalued rate. Consequently, she has filed the present Petition seeking redress.

3. We have heard the Petitioner, who appeared in person, and have also perused the record available before us.

4. Upon a plain reading of the prayer clause, it is evident that the relief sought pertains to specific performance of an agreement relating to immovable property allegedly purchased by the Petitioner from Respondent Nos. 4 and 5, along with the consequential relief of eviction. It is well-settled that such reliefs involve disputed questions of fact which require detailed factual adjudication and evidence. These issues cannot be appropriately addressed or adjudicated upon in the exercise of Constitutional jurisdiction under Article 199 of the Constitution. Accordingly, the present Petition is not maintainable on this ground alone.

5. Furthermore, on the last date of hearing, the Petitioner was specifically asked whether any other Petition had previously been filed with respect to the same property. The Petitioner categorically stated that no such Petition had been filed. However, during today's proceedings, she produced a copy of the Order dated 27.08.2025 passed in C.P. No. D-3545/2025 by a Division Bench of this Court, comprising one of us [Abdul Hamid Bhurgri, J], relates to same property. In that petition, the Petitioner had requested demolition of shops allegedly constructed by Respondents Nos. 4 and 5. The said petition was dismissed, although certain legal protections were extended to the Petitioner in accordance with law.

6. The conduct of the Petitioner in concealing the earlier proceedings is highly regrettable and amounts to an abuse of the process of Court. While this is a fit case for imposition of costs, we are exercising judicial restraint and refraining from imposing costs at this stage. However, the Petitioner is cautioned to remain careful in

future, and it is observed that any repetition of such conduct may attract imposition of exemplary costs.

7. In view of the above, the Petition is hereby dismissed, along with pending applications.

JUDGE

JUDGE

Ayaz Gul