

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Civil Revision No.S-34 of 2022

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection 'A'.
2. For orders on CMA No.408/2022.
3. For hearing of main case.

25.11.2025

Mr. Shakeel Ahmed S. Abro, advocate for the applicant.

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At the very outset, learned counsel for the applicant submits that the applicant acquired title from respondent No. 7 by virtue of a registered sale deed dated 08.09.1988. Respondent No. 7 had earlier obtained a decree dated 09.04.1991 in F.C. Suit No.202 of 1985, passed by the IIIrd. Senior Civil Judge, Larkana. Counsel further states that respondents No. 1 to 6 subsequently moved an application under Section 12(2), C.P.C., challenging the validity of the said decree, and with the consent of respondent No. 7, obtained an order dated 09.04.1991 (available at page 103), whereby the decree was modified by excluding Survey Nos.1062 and 1064, Deh Dara, Taluka Warrah.

Learned counsel contends that the applicant, being aggrieved of the said modification, instituted F.C. Suit No.87 of 2003 (Abdul Hameed v. Ghulam Mustafa and others) before the Senior Civil Judge, Kamber. The suit was dismissed on the ground of non-maintainability under Section 12, C.P.C. The applicant thereafter preferred First Civil Appeal No. 2 of 2022, which was also dismissed vide Judgment dated 05.01.2022.

Counsel submits that since a cloud has been cast upon the applicant's title owing to the modification of the decree, the applicant intends to approach the competent Court that initially passed the Judgment and decree, by moving an appropriate application. He, however, prays that the period consumed in pursuing the litigation from the institution of the suit up to date may be considered for exclusion under Section 14 of the Limitation Act, 1908, so that the applicant is not

prejudiced by the time spent *bona fide* in proceedings before Courts lacking jurisdiction.

In view of the statement made at the bar, instant civil revision application is **dismissed as not pressed**, along with the listed application. The applicant is at liberty to approach the competent forum for redressal of his grievance. The time spent in the previous proceedings may be condoned in terms of Section 14 of the Limitation Act, 1908, subject to the satisfaction of the competent Court and in accordance with law.

Judge

Qazi Tahir PA/*