

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**II<sup>nd</sup> Appeal No. S – 04 of 2017  
R. A. No. S – 25 of 2018**

Date of hearing	Order with signature of Judge
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**Hearing of case (priority)**

1. For orders on CMA No.1196/2017
2. For hearing of main case
3. For hearing of CMA No.1197/2017

**09-11-2020**

Mr. Nizamuddin Noonari, Advocate for the Appellant / Applicant.  
Mr. Jalal-ul-Din M. Akbar Chandio, Advocate for Respondent No.1.  
Mr. Ahmed Ali Shahani, Assistant Advocate General Sindh.

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In these two matters, learned counsels have been heard and with their consent also accommodating the contention of learned AAG, following order is passed:

The learned executing Court before handing over the possession shall, at the cost of the appellant / applicant, determine the cost of construction and utilities i.e. gas and electricity connections as available on the subject property which shall be payable by the private respondent, and only on payment of the said amount the possession of the subject property shall be available to him.

Learned AAG having contended that the Province of Sindh was not made a party as is required under Civil Procedure Code, the said proceedings were never available against the Province of Sindh, and any order passed in the matter cannot be binding in this regard. The contention is not only legal, the same is not opposed by any of the other learned counsels, as such it is so also ordered that the decrees in the matter shall not affect any right/s of the Province of Sindh.

Both these matters stands **disposed of** with the above given variation only otherwise the decrees remain intact. Office is directed to place a signed copy of this order in the captioned connected revision application.

Abdul Basit

J U D G E