

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
R. A. No. S – 40 of 1995

Date of hearing	Order with signature of Judge
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Hearing of case
For hearing of main case

07-12-2020

Applicant No.1(b), Khalil Ahmed, present in person.

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I have heard in this case on the last date of 30-11-2020 also, wherein prima facie on the basis of the record as present not much of a case was found to have been made out on part of the present applicant, and it was so observed on that day that prima facie the said applicant was not having much of a case based upon the record as present. The reasonability of the order was bearing from the learned appellate Court, which was impugned in the matter which was also discussed.

2. However, today the applicant has brought before this Court the order of the learned trial Court in the matter, which is found to be much more reasonable than the order of the learned appellate Court. All the aspects of *benami* transaction stand discussed therein, and also in the judgment of the learned trial Court, it is discussed that earlier civil proceedings before the Rent Controller were present and a contestation was made in the name of present applicant by the respondent himself; as such the respondent himself had admitted the ownership rights of the present applicant. The said rent proceedings of the Rent Controller were also discussed in the order of the learned trial Court.

3. The applicant has also brought the order of the Rent Controller and along with the same, the photocopies of extract of property register, school leaving certificate of father of the applicant and a decree of the Civil

Court to show that neither the age of the owner was as considered by the learned appellate Court nor the question of entitlement of the applicant was as considered by the learned appellate Court in order to acquire the judgment in accordance with law.

4. No one has appeared on part of the respondents and in the said circumstances where such material has been shown which is judicial record and the said material has not discussed by the learned appellate Court an incurable irregularity if not an illegality is found present. As such the revision application stands allowed, the order of the learned appellate Court is set aside and the order of the learned trial Court is restored.

Matter stands **disposed of** in the above terms.

J U D G E

Abdul Basit