

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Civil Revision Application No.S-281 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders as to non-prosecution.

09.03.2026

Syed Hammad Ali Shah, advocate for the applicants.

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Learned counsel for the applicant has placed copy of Order dated 10.07.2024 passed by the Hon'ble Supreme Court of Pakistan in C.P.L.A No.1473-K/2022. The case of the applicants is that F.C Suit No.12/2024 was filed by the applicants which was rejected under Order VII Rule 11 C.P.C and the same Order was upheld by the learned Appellate Court. Per learned counsel, subject property in the said suit No.12/2024 was Y-33-1 whereas earlier suit was filed with respect to another property viz: Y-33. However, without considering such material aspect of the matter, both the courts below proceeded to reject the plaint. Perusal of Order dated 10.07.2024 passed in above C.P.L.A which also reflects such position, however, same does not find any consideration in the impugned Judgment dated 17.11.2025 passed in Civil Appeal No.18/2024 by learned Additional District Judge, Khipro. In view of above, it would be appropriate if the matter is remanded back for hearing and passing Order afresh after considering the submission of the parties and Order dated 10.07.2024 passed in C.P.L.A No.1473-K/2022.

In view of the above, the instant revision application is allowed and the impugned Judgment and decree dated 17.11.2025 passed by learned

Additional District Judge Khipro in Civil Appeal No.18/2024 and Order dated 26.03.2024 passed by learned Senior Civil Judge, Khipro in F.C Suit No.12/2024 are set-aside and the plaint is restored to its original position and the matter is remanded back to the learned trial court to consider the suit property involved in present suit is same as involved in earlier suit No.64/2015 and also to consider the fact recorded in the Order dated 10.07.2024 passed in C.P.L.A No.1473-K/2022, after due notice to the parties.

The instant revision application is disposed of in above terms.

JUDGE

Faisal