

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Criminal Misc. Application No.S-92 of 2025
“Muhammad Ibrahim vs. Roopo and others”

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on office objection.
2. For hearing of main case.

29-10-2025.

Mr. Parshotam K. Khatri advocate for the applicant.

Mr. Rao Faisal Ali advocate for respondents No.12 and 13.

Mr. Neel Parkash, D.P.G a/w SIP Din Muhammad Banglani of PS Umerkot City.

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Applicant Muhammad Ibrahim is complainant in I.D Complaint No. 22/ 2023 and same was disposed of vide order dated 12-12-2023 by learned Additional Sessions Judge-II, Umerkot on the basis of statements filed by the respondents/ accused and matter was remanded to the Deputy Commissioner, Umerkot, for demarcation of Survey No.82 (02-12 acres) situated in Deh Umerkot Taluka and District Umerkot. In compliance of Court's directions, Survey Superintendent, Mirpurkhas Division has conducted demarcation in presence of parties and it has come on the record that some persons belong to accused party have illegally occupied subject land. Thereafter, complainant once again approached to learned trial court for restoration of possession and learned trial court after hearing the parties has dismissed the same on the ground that matter is subjudice before this court in Criminal Revision Application No.S-22/2023.

Learned counsel for the applicant submits that Criminal Revision Application No.S-22/ 2023 has been disposed of by this court vide order dated 29-04-2024 with direction to the officer of the Settlement, Survey and Land Record department to conduct demarcation of the above survey number with the assistance of concerned revenue authorities in presence of parties. In compliance of court's directions, the Survey department has conducted demarcation and furnished report, which is available at page No.93 of court file.

Learned counsel for the applicant submits that matter may be remanded back to learned trial court to decide the same on merits in accordance with law. Learned counsel for the private respondents raised objection on such proposal whereas learned D.P.G recorded no objection for remand of the case to learned trial court to decide the same on merit.

Heard learned counsel for applicant, learned counsel for respondents, learned D.P.G and perused the material available on the record.

From perusal of record, it appears that I.D Complaint was brought on record and was disposed of on the basis of statement of accused that matter may be recommended to Deputy Commissioner to conduct demarcation of Survey No.82(2-12 acres), Deh Umerkot, Taluka and District Umerkot and if their labourers, after demarcation, were found in possession of the subject land, they will vacate it. On the directions of learned trial court and this court, survey was conducted and it has come on the record that labourers of accused party are in possession of subject land. Order dated 12-12-2023 passed by learned trial court was conditional on the basis of their statements and accused party has

deviated from their statements, therefore, I.D complaint is restored on its original position when it was disposed of.

In view of above, impugned order dated 18-04-2025 passed by learned trial court is set aside and matter is remanded back to learned trial court to decide afresh in accordance with law.

The instant Criminal Miscellaneous application is disposed of in above terms.

JUDGE

Saleem

