

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

R.A No.208 of 2005

Date

Order with signature of Judge

1. For hearing of CMA No.2959/2012
(withdrawal of vakalatnama)
 2. For hearing of Main Case
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04.5.2016

Mr. Izhar Alam Farooqi, advocate for the applicant.

M/s.Sadiq Hidayatullah & Ghulam Akber,
advocate for Respondent.

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Nazar Akbar.J- This civil revision was filed by the applicant on **07.11.2005** against the concurrent findings. The applicant filed civil suit No.**162/1999** before the trial court for declaration and permanent injunction, which was dismissed by Senior Civil Judge (West) Karachi by order dated **29.8.2001**. Applicant preferred appeal bearing **No.100/2001**. It was also dismissed by judgment dated **23.9.2005** and then he preferred this civil revision.

Mr. Azhar Alam Farooqi, counsel for the applicant has already moved an application bearing CMA No.2959/2012 for withdrawal of power way back in 2012 after completing all formality and that application is also pending since then. This application is allowed. However, on merit, I have examined impugned judgments. The applicant has also lost rent case against the respondent, their ejectments orders in favour of respondent for ejectment of applicant are in field. The applicant/Plaintiff has failed to prove that he is lawful owner of the premises even in the very plaint his prayer for declaration

that he is entitled for PT-I to be issued in his favour. Such declaration is not a declaration in the nature of legal right which could be enforced through the court by involving **Section 42** of the Specific Relief Act, 1877. The legal title starts from at least PT-I in favour of the occupants of the property, till date he has no title document and therefore mere possession since 1992 is not the ownership as against the respondents. However, admittedly the Respondent has PT-I of the suit property which was issued in **1979**. In presence of **PT-I** the claim of applicant that he is entitled to **PT-I** by itself is not a valid ground. Be that as it may, concurrent findings of the courts below cannot be lightly interfered with by revisional court as hardly there is any misreading of evidence by Courts below and as discussed above the applicant has only claimed to be an occupant without any document of whatsoever nature. Therefore, he is not entitled to be in possession. This revision is dismissed having no merits.

JUDGE

SM