

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Revision Appln.No.67 of 2014

Date Order with signature(s) of Judge(s)

1. For hearing of Main Case
2. For hearing of CMA No.2463/2014

02.12.2015.

Mr. Muhammad Safdar, advocate for the applicant.
Ms. Rahat Ahsan, A.P.G.

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Learned counsel has challenged the following order of the IIIrd Addl. Sessions Judge, South, Karachi, operative part of the impugned order reads as follow:-

So far as the contention raised by learned counsel for the respondent No.1 in respect of forged and fabricated sale agreement is concerned, it might be good defense but the same can only be ascertained after assessment of evidence. The question of ownership, occupier or lawful possessor in the context of relevant provisions of illegal dispossession Act, 2015 could only be adjudged at trial and not otherwise.

Petitioner has challenged cognizance taken by the Court. The order on the face of it is not appealable as it is not adverse order since parties are entitled to a fair trial in terms of Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973. Learned counsel has filed more than 30 documents in respect of his claim that the case of illegal dispossession is not made out against the applicant. He has again alleged before this Court that the complainant is carrying forged and fabricated documents and he wants this Court should examined all these documents before the same are presented in the trial and examined by the Court after conclusion of evidence including the cross-examination in which these documents may be proved or disproved.

Learned counsel intends to rely on the case law to impress the Court that ultimate finding of the Court seized of the complaint under Section 3 & 4 of the Illegal Dispossession Act, 2005 shall be dismissal of the complaint. However, on query from the Court that none of the case laws on which he wants to rely was on dismissal of complaint at the stage taking cognizance of the case by the Session Court. All the cases are dealing with legal proposition in appeals and revisions after disposal of the complaint under Section 3 & 4 of the Illegal Dispossession Act, 2005 on merit, therefore, the same are not relevant. Learned counsel has no answer to this query.

In view of the above, I am not inclined to interfere in the impugned order; it might hamper the proper course of justice. Consequently, this revision application and the pending applications are dismissed.

JUDGE

SM