

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Revision Application No.S-60 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For Katcha Peshi.

08.05.2017.

Mr. Hameedullah Dahri, Advocate for applicant.

Mr. Shahid Ahmed Shaikh, A.P.G.

Through this Criminal Revision Application the applicant has assailed the legality and propriety of the order dated 16.02.2016 passed by the learned 2nd Additional Sessions Judge Shaheed Benazirabad in Direct Complaint No. 1942/15 filed by applicant under Illegal Dispossession Act for taking cognizance against the respondents as according to the applicant he has been illegally dispossessed from the premises in question, whereby the learned Trial Court after hearing the parties dismissed the said complaint which is impugned before this Court.

Heard learned Counsel for the parties. They have reiterated the same submissions which they submitted before the Trial Court.

It appears from the record that the learned Trial Court dismissed the complaint of the applicant by observing as under:-

“Heard the learned counsel for complainant and perused the report of S.H.O P.S concerned and Mukhtiarkar concerned, when Civil suit is already pending between share holders then this direct complaint as present complainant has been dispossessed is only malafide for complainant as when land in question is joint possession of different persons then selling of present complainant is only to pressurize difference share holder. At this stage this direct complaint under Illegal Dispossession Act is not maintainable and same is dismissed.”

When asking a question from the learned Counsel for the applicant that property in question is a joint possession of different persons how this Criminal Revision Application is maintainable and how the impugned order is required to be

interfered by this Court. He did not reply properly. Even otherwise the property in question is a joint property therefore, proper course for the applicant to agitate his claim before civil Court which is proper forum for the applicant for redressal of his grievance.

I have perused the record as well as impugned order but did not find any illegality or irregularity in it therefore, this Criminal Revision Application is dismissed.

JUDGE