

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

R.A. No.107 of 2015.

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

1. For order on office objections No.1, 6, 7 and 8 and reply of the advocate for the applicants.
2. For hearing of C.M.A-817 of 2015.
3. For katcha peshi.
4. For hearing of C.M.A-818 of 2015.

08.12.2017.

Mr. Muhammad Ishaque Khoso, Advocate for the applicants.

Mr. Zubair Ahmed Junejo, Advocate for the respondent.

=

Learned counsel for the applicants contends that the findings of the learned trial Court as well as the learned appellate Court are based upon the earlier decision and wherein no new material was brought up by the respondent, the suit could not have been decreed as the matter of fact that the applicants were not having possession of any portion of land of the respondent was already determined in the earlier proceedings. Learned counsel for the respondent on the other hand has taken me through the record and relied upon Ex-13 (pages-109 and 111 of the Court file), (although the letter is in Sindhi language I am conversant to the same for understanding though lacking in expression), which clearly shows that the material was brought up. It is further contended on part of the learned counsel for the respondent that respondent had filed a criminal complaint under Illegal Dispossession Act earlier subsequent to the suit but was dismissed on account of retrospective effect of the law and the said material / document was brought up before the said learned trial Court also. Learned counsel for the applicants in rebuttal states that the matter was not considered by the learned appellate Court, however, he has not shown that the element of findings acquired without any material was ever taken up in the memo of appeal.

2. Having heard the learned counsels and gone through the record with their assistance, it seems that only issue / dispute between the parties is

the location of the land in suit as such the possession thereof whereas the rights of the respondent are not in dispute. In the circumstances, no ground for revision has been made out; however, it is ordered that the possession of the subject land of the applicants is liable to be delivered through the Mukhtiarkar / concerned authority specifying the exact specification / possession and the location of the land in suit.

3. Revision application stands disposed of alongwith listed applications as given above.

JUDGE

S