

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
RA Nos.14 & 15 of 2018

Date	Order with signature of Judge
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**Present: Mr. Justice Nazar Akbar**

**R.A No.14 of 2018**

**Applicant** : **Mrs. Shama Sultana,**  
**through Mr. Yousuf Iqbal, advocate.**

**Respondent No.1:** **Mst. Zahida Lodhi Khan,**  
**Respondent No.2:** **Mst. Tasnim Hanif,**  
**Respondent No.1:** **Mst. Salqa,**

**None present.**

**R.A No.15 of 2018**

**Applicant** : **Mirza Waseem,**  
**through Mr. Yousuf Iqbal, advocate.**

**Respondent No.1:** **Mst. Zahida Lodhi Khan,**  
**Respondent No.2:** **Mst. Tasnim Hanif,**  
**Respondent No.1:** **Mst. Salqa,**

**None present.**

**Date of hearing** : **22.03.2019**

**Date of Decision** : **26.03.2019**

**JUDGMENT**

**Nazar Akbar.J.-** Learned counsel for the applicant has filed written arguments yesterday around 11:30 a.m. I have gone through the written arguments in both the cases.

2. Precise facts of these cases are that both the Courts have dismissed two separate suits for specific performance of contract filed by the applicants against the same Respondents on the basis of identical sale agreements. Both the judgments were ex parte judgments and the two Courts below have dismissed both the suits on the identical ground that the agreement of sale executed by the applicants with the respondents in respect of the suit property were executed without looking into original title documents. Not a single title document was ever provided by the respondents/sellers to the applicants, nor they were owners of the suit property. Learned

counsel in his written arguments has not adverted to the point discussed by the two Courts below that Respondent No.2 has filed succession petition in 2012, which was dismissed. The very fact that SMA was filed by one of the respondents is enough to appreciate that at the relevant time the Respondents were not owner / title holder of the property in question. The record further shows that despite the fact that no title documents were filed, however, the counsel with written argument has filed an extract from the Registrar of Property of Karachi to show that at some point of time the property was in the name of the respondents. Unfortunately this is not the case even in this document.

3. The perusal of even that extract shows the property was disputed even in the record of KMC. Since the learned counsel has filed that extract with the written argument though this Court at this stage cannot look into it, however, even this document has not advanced the case of the applicant. In this unidentified, unproved extract from the property Registrar of KMC, it is specifically mentioned in column No.8 that one of the joint owners has died in **2010** and in the last column-9 regarding **“nature and origin of title”** it is specifically mentioned that “restored temporarily for a period of one year by order of Deputy Commissioner dated 26.1.1972”. It means after one year even the said extract has lost its life and there is no subsequent extension of even temporary ownership. These documents were even more fatal to the case of the applicants.

4. In view of the above, two findings of the two Courts below in both the case stand justified and lawful need not required to be interfered, therefore, both the revision applications are dismissed.

JUDGE