

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

R.A. No.11 of 2007

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on C.M.A 1286/19
2. For hearing of C.M.A 124/07
3. For hearing of main case

14.02.2020

Mr. Aghis-us-Salam Tahirzada, Advocate for applicants.

Mr. Aqeel Ahmed Siddiqui, Advocate for respondents No.1 to 4.

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After hearing the parties at length, it appears that only question available before the executing court is the execution of decree which contains only 300 Sq. Ft. out of Survey No.440. It is the case of the applicants that in fact the original area of the property was 1576 Sq. Ft. and at the time when this property was acquired by the applicants through their father some of the area was trespassed and fraudulently a sale deed was registered in respect of an area of a ground 600 Sq. Ft. that was declared to have been registered fraudulently by trial court. However, it has not been incorporated in the decree as required in terms of section 2 sub-section (2) of Civil Procedure Code. Since such modified decree was not available before the executing court, therefore, executing court and appellate court were justified in maintaining the order and execute it to the extent of the area of mentioned in decree. The applicants, however, are at liberty to move any such application for incorporating the additional area of the original land which formed part of the sale deed which was cancelled / set-aside by the trial court and maintained by the appellate court. In case, such an application is moved by the applicants, respondent(s) may file objections and application be decided in accordance with law. The Revision Application having served its purpose stands disposed of along with listed applications in the above terms.

JUDGE

