



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

C.P No.D-1823 of 2016

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For hearing of MA 10973/16
2. For hearing of main case

**13.02.2020**

Mr. Irfan Ahmed Qureshi advocate for petitioners.  
Mr. Allah Bachayo Soomro, A.A.G.

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In these proceedings an order under Order XVI Rule 1 & 2 CPC passed by the trial court and as maintained by the revisional court is challenged. It is urged that no prejudice shall be caused in case an official from NADRA would submit the record to establish as to who are the legal heirs of the deceased. Such record would be in aid and for the administration of justice rather than taking away any right from anyone. Counsel submits that this aspect of the matter was not considered either by the trial court or revisional court and has passed unreasoned order. One Rasool Bux, representative of respondent No.3, is in attendance. We have heard learned counsel and perused the record. It appears that production of record from NADRA would not take away or prejudice the right of any of the party litigating in the matter. Hence, this petition is allowed subject to the condition that the witness would appear as a court witness and shall be subjected to cross-examination and he may produce the relevant record as deemed fit and proper by the court. The evidence of the witness be recorded preferably within four (04) weeks and no frivolous adjournment shall be granted to either party. Consequently, both impugned orders are set-aside.

Petition stands disposed of alongwith listed application in the above terms.

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

C.P No.D-2180 of 2017

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DATE	ORDER WITH SIGNATURE OF JUDGE
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13.02.2020

Mr. Qadir Bux Ghirano advocate holds brief for Mr. Ali Ahmed Palh, advocate for petitioners.

Mr. Allah Bachayo Soomro, A.A.G. Muhammad Sohaib, Deputy Director (Tech) Sindh Environmental Protection Agency, Mirpurkhas, and Qutubuddin Dars, A.D (Law), Sindh Environmental Protection Agency, Hyderabad.

Mr. Muhammad Jamil Ahmed, advocate for respondents No.9 and 10.

Mr. Ayatullah Khowaja, Advocate for respondent No.11.

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The subject matter of this petition is a land which is attached to the Agriculture University meant for research purpose. Allegedly, it was resumed by the Worthy Chief Minister as he was planning to carve out plot. The purpose of the resumption was to carve out plots for handing to the shelter less persons. This is not an excuse to resume such agricultural research based, agricultural land, attached to the University. Be that as it may, since the petitioners' counsel is not in attendance and we have partly heard the respondents' counsel, we deem it appropriate to adjourn this matter to 04.03.2020 on which date it shall be heard and decided on the basis of material available on record. Interim order passed earlier to continue till disposal of this petition.

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

C.P No.D-2758 of 2017

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For orders on MA 10813/17
3. For hearing of MA 10814/17
4. For hearing of main case

**13.02.2020**

Ms. Fareeda Mangrio, advocate for petitioner.

Mr. Allah Bachayo Soomro, A.A.G.

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Ms. Fareeda Mangrio learned counsel for petitioner on instructions does not press this petition, which is accordingly dismissed along with listed applications.

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Ali Haider

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

C.P No.D-3004 of 2017

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For hearing of MA 12035/17
2. For hearing of main case

**13.02.2020**

Mr. Raja H. R Naurang advocate for petitioners.  
Mr. Saddam Hussain Baloch advocate for respondent No.1.  
Mr. Allah Bachayo Soomro, A.A.G.

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This constitutional petition is against the concurrent findings of two courts below. The trial court allowed the application under Article 74 Qanoon-e-Shahdat Order, 1984, for production of secondary evidence, whereas, the revisional court set-aside the order and dismissed the application. The primary consideration for the revisional court was that there was no effort made in locating the original document and that a vague affidavit in support of the application was filed. The secondary evidence can only be permitted if the loss of the original is proved or if it is shown to be in possession of a person who is not subject to the process of the court; where the person in whose possession the original documents in question was supposed to be given a highly vague statement which was insufficient to prove the loss of the original document, court, before allowing secondary evidence, should have insisted that the effort be made to trace the original documents and to produce the same. No such effort seems to have been made in the instant case and even the affidavit in support of the application is not sufficient. It is contended that the alleged agreement was executed in presence of witnesses who have also supported the version and executed a fresh statement. The evidence of those witnesses could have been recorded if it is so desired by the petitioners. No interference, as such, is required. The petition is dismissed along with listed application.

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

C.P No.D-2147 of 2019

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For orders on M.A. 8826/19
3. For hearing of main case

13.02.2020

Mr. Ishrat Ali Lohar Advocate for petitioner.

Mr. Jango Khan, Special Prosecutor NAB.

Mr. Muhammad Hamayoon Khan, D.A.G.

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This matter is partly heard. Learned Special Prosecutor NAB submits that he has not obtained copies of the medical reports submitted by Special Medical Board and Superintendent, Special Prison and Correctional Facility Nara Hyderabad, accordingly. Let such copies be obtained by the learned Prosecutor on his own to assist the court on the next date. To come up on **18.02.2020**.

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