

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
R.A.No.S-199 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on CMA-1936/2020
2. For orders on office objections
3. For hearing of CMA-1937/2020
4. For hearing of CMA-1938/2020
5. For hearing of main case.

18.12.2020.

Mr. Muhammad Asif Shaikh, Advocate for applicant.

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Urgency granted.

The facts in brief necessary for disposal of instant Civil Revision application are that a shop owned by Auqaf Department was on rent with one Muhammad Yousif. On his death, being issueless, it was allegedly managed by the applicant in capacity of his servant, who then filed a suit before learned trial Court with a prayer that he is entitled to transfer of tenancy right of said shop in his favour on the basis of possession, the plaint whereof was rejected by learned trial Court vide its order dated 17.09.2016, such rejection was maintained by learned Vth Additional Sessions Judge, Hyderabad vide judgment dated 03.11.2020, which is impugned by the applicant before this Court by preferring the instant Civil Revision Application.

It is contended by the learned counsel for the applicant that the orders of learned trial and appellate Courts being illegal are liable to be set-aside after notice.

I have considered the above arguments and perused the record.

Legally, the applicant has nothing to-do with the subject shop. On death of the actual tenant the possession of the applicant over the subject shop, if any was illegal. No person who is found to be in illegal possession could claim equity. On being faced with this situation, it was stated by learned counsel for the applicant that applicant now has dispossessed from the subject shop. If, it is so, then what else remains to be done? Obviously “nothing”. Be that as it may, no illegality is pointed out which may justify this Court to make interference with the impugned orders of learned trial and appellate Court by way of instant Revision Application, it is dismissed in limine together with the listed applications.

JUDGE

Ahmed/Pa,