

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

R.A. No.65 of 2021

Imran Ishqe
Versus
Jama Masjid Al-Rehman Trust & others

Date	Order with signature of Judge
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1. For orders on CMA 1797/21
2. For orders on office objection a/w reply as at "A".
3. For orders on CMA 1798/21
4. For hearing of main case
- 5, For orders on CMA 1799/21

Dated: 29.03.2021

Sardar Sher Afzal for applicant.

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The plant was rejected by the trial Court which order was maintained by appellate Court in terms of judgment dated 06.03.2021 available at page 29 of the file as Annexure A/1.

The premises is situated in Akhtar Colony which is claimed to have been declared as a Katchi Abadi at the relevant time. The record reveals that respondent No.1, perhaps being in possession, exercised its right and the possession was regularized with the execution of a lease in its favour on March 26, 2014. The applicant also claimed to be in possession of the same premises however he never exercised his right ever since this premises and/or the area was declared as Katchi Abadi until the suit was filed by him in the year 2020.

In the suit, applicant sought a declaration that the lease executed in favour of respondent No.1 was unlawful. The applicant has not been able to demonstrate that he was ever in possession of the subject premises to assert his right of regularization of the possession vis-à-vis

premises in question. In none of the two Courts below the applicant filed a single document to demonstrate his possession. Even today learned counsel for the applicant has not been able to show any document to prove his possession over the subject premises, such as amenity bills or correspondence etc.

Under Katchi Abadi Act the lease could only be executed in favour of the one having a bona fide possession which applicant has not demonstrated. The trial Court thus held that the applicant had no cause of action in this regard, which order was maintained by the appellate Court. No interference as such is required in the instant proceedings. The revision application is accordingly dismissed along with listed applications.

Judge