

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

C.P. No.D-175 of 2006

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on M.A. 1656/2006
For hearing of M.A. 626/2006
For hearing of main case

14.04.2022

Mr. Arbab Ali Hakro advocate for petitioner.
Mr. Allah Bachayo Soomro, Addl. AG Sindh.

We have heard the learned counsels and perused the record. It appears that by virtue of orders dated 16.07.2005 and 09.03.2006 Taluka Municipal Administration Shah Latifabad has withdrawn the allotment order as they found the allottee to have been violating the terms of the allotment. Petitioner claimed to have been aggrieved of the order as they were condemned unheard and hence filed an application before the Taluka Municipal Administration to revisit the aforesaid order. The Nazim, Taluka Municipal Administration Latifabad, heard the petitioner at length and passed speaking order thereby stating that it was lawful for it to withdraw the allotment on account of the terms being violated and hence the restoration of the possession was denied. Aggrieved of it, the petitioner has filed this petition.

We have inquired from the petitioner that how could petitioner be able to establish that he has not violated any of the terms as maintained in the two orders referred above. Counsel has candidly conceded that though it required trial but initially association was condemned unheard. We are of the view that once an application to revisit the orders was filed the same Taluka Municipal Administration heard it and passed a speaking order satisfying queries of the petitioner, thus, we are not inclined to interfere in the reasoned orders passed by it. However, since it is claimed that the petitioner's substantial rights have been violated in this summary

proceedings they may be entitled to invoke the jurisdiction of civil court for the establishment of their right. Although they were at liberty at the relevant time when they filed this petition in the year 2006 to invoke the jurisdiction of civil court but they wasted almost 16 years in these proceedings.

Be that as it may, since we are not inclined to interfere in the orders passed by the lower forums we leave the petitioner at liberty to invoke the jurisdiction of civil court as desired by it and in case such proceedings are initiated, the trial court may sympathetically consider the limitation issue on account of pendency of this petition u/s 14 of the Limitation Act. During the trial, if such suit is advised to be filed, the observation in the impugned order may not come in the way.

Petition stands disposed of along with pending applications.

JUDGE

JUDGE

Ali Haider

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

C.P. No.D-3355 of 2016
C.P. No.D-3398 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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31.03.2022

Mr. Aslam Baig Laghari advocate for petitioners in C.P. No.D-3355/2016.

Mr. Muneer Ahmed Turk advocate for petitioners in C.P. No.D-3398/2016.

Mr. Imdad Ali R. Unar advocate for respondents.

Mr. Rafique Ahmed Dahri AAG Sindh.

In pursuance of parawise comments of respondent No.1, it appears that except five respondents, whose records were retained by NAB authorities, none of the petitioners was found traceable with the respondents. Thus, it could be conveniently presumed that the documents that petitioners were relying on are fake. Be that as it may, the controversies involved in these petitions could be finalized and disposed of once the record of five petitioners is made available at least to the extent of a certified copy by the NAB authorities. We, therefore, direct learned AAG to write a letter to the NAB authorities in whose custody the record is, to at least provide a certified copy of the record, retained by them, so that respondent No.1 be in a position to make a clear statement as to whether record on which those five petitioners are relying is genuine or otherwise. Be fixed in four weeks' time.

JUDGE

JUDGE

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

C.P. No.D-1904 of 2013

DATE	ORDER WITH SIGNATURE OF JUDGE
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31.03.2022

Petitioner present in person.

Mr. Rafique Ahmed Dahri AAG Sindh.

The petitioner on the strength of some contractual appointment seeks his regularization as Librarian. He was appointed on contract for a period of three months in the year 2009, whereas, the advertisement for the subject post was issued on 23.09.2011. He is not seeking any relief for his appointment in pursuance of the public advertisement. The scope of this petition is only to the extent that he may be issued offer letter / appointment / regularization on the strength of a contractual appointment. During pendency of this petition he was terminated vide letter dated 24.06.2010 by the Education and Literacy Department and his services were discontinued, as per record. After completing contractual period on 30.06.2010 he was directed to handover the charge of the section with the consultation of Director (Distance Education) latest by dated 28.06.2010. Thus, on account of this expiry of contractual period he has filed this petition in 2013 for the appointment / regularization of services which were terminated. There is no relief claimed as far as the subject letter dated 24.06.2010 is concerned. In view of the above facts and circumstances, he never came out as successful insofar as the advertisement of 2011 is concerned. The petition as such merits no consideration and is accordingly dismissed along with pending applications.

JUDGE

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

C.P. No.D-1092 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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31.03.2022

Mr. Abdul Qadeer Chohan advocate for petitioner.

This petition is arising out of the concurrent findings of the two courts below. The trial court on an application u/o 1 Rule 10 CPC impleaded the applicants who have been arrayed as respondents whereas revisional court has dismissed the revision of the petitioner. The trial court found that the applicants having interest in the property by virtue of an agreement of sale and/or being subsequent buyers. The petitioner, however, sought trial in the suit in the absence of a party whose interest was found to be involved in the property in question. Thus, we do not find any defect in the order nor any fundamental right of the petitioner is being violated. The trial is open for the petitioner, he may pursue his remedy as far as trial of the suit is concerned before the court having jurisdiction in this regard. This being a situation, the petition is misconceived and is dismissed.

JUDGE

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

C.P. No.D-1093 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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31.03.2022

Mr. Abdul Qadeer Chohan advocate for petitioner.

Repeat notice.

JUDGE

JUDGE

Ali Haider

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

C.P. No.D-982 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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31.03.2022

In this petition, petitioners seek direction against the official respondents for the allotment of a plot in their favour. Such questions cannot be addressed where rights were dependent on factual assessment. Such being a situation, the petition would not lie. However, since petitioners and their counsel are not in attendance, we deem it appropriate to dismiss the petition for non-prosecution.

JUDGE

JUDGE

Ali Haider

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

C.P. No.D-973 of 2009

DATE	ORDER WITH SIGNATURE OF JUDGE
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31.03.2022

Mr. Ghلام Sarwar Qureshi advocate for petitioners.

Mr. Allah Bachayo Soomro, Addl. AG Sindh.

Repeat notice.

JUDGE

JUDGE

Ali Haider

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

C.P. No.D-1325 of 2013

DATE	ORDER WITH SIGNATURE OF JUDGE
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31.03.2022

Mr. Farhad Ali Abro advocate for petitioner.

Syed Toufique Ahmed Shah advocate holds brief for Syed Shafique Ahmed Shah, advocate for alleged contemnors.

Mr. Ashfaque Nabi Qazi Assistant Attorney General for Pakistan.

At the request of counsel holding brief let it be fixed after six weeks.

JUDGE

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Ali Haider

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

C.P. No.D-2345 of 2013

DATE	ORDER WITH SIGNATURE OF JUDGE
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31.03.2022

Mr. Muhammad Sachal R. Awan advocate for petitioner.

Mr. Rafique Ahmed Dahri AAG Sindh.

Let comments be filed on behalf of respondents No.1 to 3 in three weeks' time. Be fixed after four weeks.

JUDGE

JUDGE

Ali Haider

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

C.P. No.D-560 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE
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31.03.2022

Mr. Manzoor Ahmed Panhwar advocate for petitioner.

Mr. Rafique Ahmed Dahri AAG Sindh.

Learned AAG requests for two weeks' time to submit compliance report in respect of an order dated 20.05.0215.

JUDGE

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Ali Haider

ORDER SHEET
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C.P. No.D-335 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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31.03.2022

Mr. Ghulam Murtaza Shaikh advocate for intervener.

Mr. Rafique Ahmed Dahri AAG Sindh.

Petitioner in this petition seeks relief that the possession of the property be retrieved from the Qabza Mafia from 29 Units of Scarp Colony, Sakrnad, District Shaheed Benazirabad forthwith. The petitioner and his counsel are not in attendance today. They were also called absent on the previous dates of hearing. Although such intricate questions concerning those who are in occupation of the land, cannot be determined except by proceedings before civil court. However, since petitioner and his counsel are not in attendance, we deem it appropriate to dismiss the petition for non-prosecution along with pending applications.

JUDGE

JUDGE

Ali Haider

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

C.P. No.D-2603 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders as to non-prosecution of M.A. Nos.7847 & 7848 of 2021 as notice not issued as cost and copies not supplied by learned counsel

31.03.2022

Mr. Anwar Hussain Memon advocate for petitioner.

A week's time is granted for compliance.

JUDGE

JUDGE

Ali Haider

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

1st Appeal No.06 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGE

For further orders as counsel for appellant has neither paid cost nor supplied the copies for issuance of notice to respondent(s).

31.03.2022

Mr. Riazuddin Qureshi advocate for appellant.

Let the office objections including court fee be complied with in a week's time.

JUDGE

JUDGE

Ali Haider

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

C.P. No.D-1346 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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31.03.2022

Mr. Arbab Ali Hakro advocate for petitioners.

Mr. Farhad Ali Abro advocate for respondent No.5.

Mr. Allah Bachayo Soomro, Addl. AG Sindh.

There are two legal questions involved one arising out of the impugned order (i) whether the unregistered gift of 1967 could be saved under MLR 1973? (ii) what is the effect of QAZALBASH WAQF's case (PLD 1990 Supreme Court 99) and CHIEF LAND COMMISSIONER, PUNJAB and others versus CHIEF ADMINISTRATOR OF AUQAF, PUNJAB and others (PLD 1998 Supreme Court 132)? We fix this matter on 26.04.2022 to be taken up in the second half.

JUDGE

JUDGE

Ali Haider

