

ORDER SHEET
**HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**
C.P No.D-2261 of 2013

DATE

ORDER WITH SIGNATURE OF JUDGE

25.05.2022

Mr. Ayaz Ali Rajper, Assistant A.G Sindh

This petition has arisen out of conflicting findings of two Courts below. Trial Court dismissed the application under Order 7 Rule 11 CPC, whereas the revisional Court set aside the order of trial Court and allowed the application under Order 7 Rule 11 CPC and rejected the plaint, on account of suit being barred under Section 172 of Land Revenue Act, 1967.

We are of the view that when a challenge to the competence of the officer and the malafide acts is made, it is then the jurisdiction of the Civil Court cannot be ousted absolutely. Resultantly the impugned order passed by learned revisional Court is set aside. Instant petition is allowed accordingly.

JUDGE

JUDGE

Sajjad Ali Jessar