

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
R.A No.68 of 2014
R.A No.69 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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02.02.2018.

Mr. S.M. Imran Alvi, Advocate for applicants.
Mr. Wali Muhammad Jamari, Assistant A.G
Mr. Arbab Ali Hakro, Advocate for respondents No.6 to 11.
Mr. Ghulam Sarwar Baloch, Advocate for respondents No.12 to 17.

ORDER

MAHMOOD A. KHAN, J:- Learned Counsel for the applicants contends that the revision challenging the order passed by the Trial Court on the application under Section 12(2) CPC, setting aside the decree arises as it had to be considered that the respondents, against whom the suit was filed, were never having any order in their favour as to entitlement and as such the said setting aside of the decree entitling the applicants from the railway of the rights acquired, would result in no benefit to be acquired by them. It is further contended that the grant in the matter was made by order dated 03.02.1956, whereas the letter relied upon by the Courts dated 04.03.1957 was not an order rather the same was an advice only. It is also contended on part of the learned Counsel for the applicants that in the fore-given circumstances, where no right was shown the prayer for partition was not available and in the circumstances the impugned orders are liable to be set-aside. Learned Counsel in support of his contentions relies upon the cases being; *PLD 161 (W.P) Karachi 222, 2012 CLC 912, 2012 CLC 04, 2012 C.L.R 996, 2012 YLR 1454, 1981 SCMR 583, 2012 CLC 1409, 212 CLC 1503 and 2012 MLD 86.*

2. Learned Counsel for respondents No.6 to 11 contends that the litigation between the parties was not limited to setting aside the decree. Prayer for separate partition was made by the said respondents on the basis of their entitlement which was always present, however, by virtue of the order acquired under Section 12(2) CPC (the setting aside never challenged), the said respondents had acquired the right and share of inheritance alongwith the partition as available to them and as such the impugned orders are not likely to be disturbed arising out of the concurrent findings of fact coming from the evidence, re-appraisal of which is not available in this revision proceedings,

3. Learned Counsel for respondents No.12 to 17 not only adopting the arguments of the learned Counsel for respondents No.6 to 11, he further contends that no illegality is present to disturb the findings, however, his prayer for inclusion of their entitlement in the matter is liable to be considered as they were not a party to the proceedings, which is basically partition proceedings.

4. Learned A.A.G supports the impugned orders and submits that the same have been granted by discussions on the concerned elements.

5. Having heard the learned Counsels and with their assistance gone through the material brought before this Court, nothing has been shown for exercise of the powers under Section 115 as the inheritance entitlement acquired there from was not a question. Perhaps the applicants were having an exclusive domain of administration of property, which seems to have been disturbed, however, nothing has been brought on record to show an exclusive right acquired by the applicants, as such, and to this extent, the impugned orders are kept un-disturbed. However, during the proceedings, respondents No.12 to 17 have been included, whose legal inheritance is not disputed. Family tree has been acquired from the said parties, wherein except for right acquired by late

Mir Ahmed Yar Khan Talpur and her daughter who is specified as wife of Mir Abbas Ali Talpur, there is no dispute between the said parties as to their right and entitlement. In the circumstances, the impugned orders are required to accommodate all the legal heirs, subject to the above exclusion in accordance with the *Shariah* and it is so ordered. The subject property is, as such, to be distributed accordingly. With the said disturbance only, the impugned orders are maintained and the present revisions stand disposed of.

JUDGE

Shahid

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
R.A No.240 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For katcha peshi.
2. For hearing of CMA-1756/2017

02.02.2018.

Mr. Ashfaqe Nabi Kazi, Advocate for applicant.
Mr. Wali Muhammad Jamari, Assistant A.G

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Let notices be repeated by way of pasting also.

To come up on 19.02.2018.

JUDGE

Shahid

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
C.P.NO.S-148 OF 2017

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection.
2. For katcha peshi.
3. For hearing of MA-328/2016

02.02.2018.

Mrs. Razia Ali Zaman Patoli, Advocate for petitioner.

Mr. Wali Muhammad Jamari, Assistant A.G a/w Syed Mahboob
Ali Shah, SHO P.S Sekhat.

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Learned Counsel for the petitioner contends that the private respondents have created multiple criminal litigations without any substance and as such the petitioner is being harassed through the official respondents. Learned A.A.G relying upon the statements of the official respondents filed earlier states that no harassment shall be caused to the petitioner and that the action against the private respondents shall only be taken in accordance with law. Based upon the said statement, the matter stands disposed of.

JUDGE

Shahid

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
R.A No.117 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection.
2. For katcha peshi.
3. For hearing of CMA-944/2017

02.02.2018.

Mr. Muhammad Hashim Leghari, Advocate holds brief for Mr.Nouman Sahito, Advocate for applicant.

Mr. Abdul Ghaffar Malik, Advocate for respondents No.1 to 3.

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Learned Counsel for respondents No.1 to 3 claims copy of the memo of application, for which the learned Counsel for the applicant is required to provide the same, whereas the learned Counsel for the applicant holding brief requires repeat of notices on the un-served respondents. Ordered accordingly.

To come up on 26.02.2018.

JUDGE

Shahid

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

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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- 1.
- 2.
- 3.

02.02.2018.

Mr.
Mr.

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JUDGE

Shahid

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
R.A No.265 of 1994
FRA No.82 of 1985

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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02.02.2018.

Mr. Irfan Ahmed Qureshi, Advocate for appellant in FRA no.82 of 1985 and for respondent in R.A No.265 of 1994.

Mr. Suresh Kumar, Advocate for applicant in R.A No.265 of 1994 and for respondents in FRA No.82 of 1985.

Mr. Wali Muhammad Jamari, Assistant A.G

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On account of paucity of time, by consent the matters are adjourned to 26.02.2018.

JUDGE

Shahid

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
C.P.NO.S-2173 OF 2017

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection.
2. For katcha peshi.

02.02.2018.

Mr. Tarique Ali Narai, Advocate for petitioners alongwith petitioners.

Mr. Wali Muhammad Jamari, Assistant A.G a/w ASI Ali Ghulam of P.S Islamkot/I.O of the case.

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The I.O present has recorded statement of petitioner No.1-Mst. Farzana, according to which she is residing with petitioner No.2-Naseer being her husband, with her own freewill. The Investigating Officer further states that the report in this regard shall be submitted before the concerned Magistrate in a day or two days' time as the FIR is present in the matter.

Learned Counsel for the petitioners states that the protection may be ordered to be available through the official respondent No.3 as the petitioners are under threat. Learned A.A.G present ensures that the official respondent No.3 shall provide protection to the petitioners. Based upon the said statement, the matter stands disposed of.

JUDGE

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
C.P.NO.S-173 OF 2018

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection.
2. For katcha peshi.

02.02.2018.

Syed Hamad Ali Shah, Advocate holds brief for Syed Hamad Ali Shah, Advocate for petitioner.

Mr. Wali Muhammad Jamari, Assistant A.G a/w ASI Muhammad Aslam o/b of SHO P.S Hali Road, Hyderabad.

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Learned Counsel holding brief requires repeat of notices to the official respondents. Ordered accordingly.

Adjourned.

JUDGE

Shahid

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
F.R.A No.01 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For katcha peshi.

02.02.2018.

Mr. Shakir Nawaz Shar, Advocate for respondent.

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None present for the applicant. Learned Counsel for respondent requires to proceed with the case. In the interest of justice, the matter is adjourned to 26.02.2018.

JUDGE

Shahid