

ORDER SHEET
IN THE HIGH COURT OF SINDH HYDERABAD
CIRCUIT.

R.A. No. 98 of 2010.

DATE	ORDERS WITH SIGNATURE OF JUDGE
16.11.2015.	

FOR KATCHA PESHI.
FOR HEARING OF C.M.A.273/2010.

Mr. Jhamat Jethanand, Advocate for the applicants.
Mr. Arbab Ali Hakro, Advocate for private respondents.
Mr. Allah Bachayo Soomro, Addl. A.G. Sindh.

The applicant has challenged the judgment and decree passed by the appellate Court in terms of the record available before it. Apparently the suit was decreed and one such preferred document is Ex.61-B which shows a certain area of land in occupation of the applicant in excess to their entitlement.

Mr. Jhamat submits that though at some point of time his clients have agreed to such demarcation which shows land in excess as above but there are certain technical lacunas in it. He submits that he may or may not have the exact area of excess land however whatever the excess land would be it is to be highlighted in each survey numbers.

Mr. Hakro on the other hand has further relied upon certain reports available as Ex.82 and also order passed on 11.08.2007 and submits that it has also been identified individually as to which survey number are in occupation of the applicant has gone in excess which perhaps would be the land of the respondent.

The decree is only to the extent of 1.08 acres and apparently it would be the job of the executing Court to execute the decree. I do not feel any reason to interfere in the judgment dated 22.02.2010 and the decree drawn on its basis.



However, insofar as the excess area of independent survey numbers of the applicant is concerned that shall be considered by the executing Court and all other reports as available to the executing Court in relation to the demarcation of the land particularly at page 189-193 shall be taken into consideration in accordance with law.

The respondents No.5 to 7 are also directed to take all such steps in case any of the excess State land other than respondent's land if found to be in occupation of applicant.

With these observations the revision application stands disposed of.

Sd/- MUHAMMAD SHAFI SIDDIQUI,
JUDGE.

