ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

1. R.A. No. 234 of 2018
2. R.A. No. 235 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
14.01.2022	

Mr. Eijaz Ali Hakro, Advocate for applicants.

Mr. Parkash Kumar, Advocate for respondent Muhammad Ayoub in both matters.

Mr. Rafique Ahmed Dahri, Assistant A.G. Sindh.

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Heard learned counsel for respective parties in both matters.

Learned counsel for the applicants while referring appellate Court's order in R.A. No.235 of 2018, contends that it was not passed in accordance with law and the learned appellate Court has failed to decide whole controversy while reversing the findings delivered by the trial Court; whereas learned counsel for respondent Muhammad Ayoub contends that even trial Court's finding with regard to 30 years' old registered sale deed/document that two attesting witnesses are required to be examined to prove the same, is against the settled principle of law and submits that said principle is applied for sale agreement under Article 79 of Qanun-e-Shahadat Order, 1984. Under these circumstances, it appears that both the Courts below have failed to decide the issue while applying judicious mind in accordance with the guidelines prescribed by this Court as well as the Apex Court. Accordingly, the impugned judgments recorded by both courts below are set aside and the cases are remanded to trial Court which shall decide the same afresh with regard to controversies whatever brought on record by adducing evidence or bringing documents on record, after hearing both parties within a period of two months.

The captioned revision applications stand disposed of in above terms alongwith listed applications.

Sd/- SALAHUDDIN PANHWAR,
JUDGE.