ORDER SHEET

THE HIGH COURT OF SINDH, KARACHI

II-Appeal No.14 of 2017

Date | Order with signature of Judge

Priority.

1. For Hearing of CMA No.895 /2017
2. For hearing of Main Case.

10th February, 2020.

Ms. Sara Zia Khan advocate for appellants

Mr. Muhammad Yousuf advocate for respondent

Heard learned counsel for the respective parties. At the outset learned counsel for the appellant contended that impugned judgment recorded by both Courts below are suffered from misreading and non-reading of evidence and witness Abid Khan was not cross-examined by the present appellant as well material documents were not considered in accordance with law.

In rebuttal learned counsel for the respondent is unable to controvert the evidence with regard to Halafnama as relied by the respondent. Hence, this is a fit case of remand. Accordingly, with the consent of parties instant II-Appeal is allowed, impugned judgment recorded by both Courts below are hereby set-aside and case is remanded to Civil Court, who shall decide the same preferably within three months after providing sufficient opportunities to the parties to lead evidence, production of documents, if they desire and hearing in accordance with law.

J U D G E

M.Zeeshan.