ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
M.A. No. 19 of 2018

Date	Order with signature of Judge

For direction.
For orders on maintainability.

06th October 2020

Mr. Wasique Ahmed Kehar, advocate for appellants.
Syed Amir Shah, advocate for respondent.

Heard learned counsel for the respective parties.

Admittedly, civil suits are pending with regard to same subject property between the parties. Appellants have challenged order passed by learned II-Additional District Judge, Karachi Central in SMA No. 428 of 2008 was dismissed on maintainability, while holding that title could be decided by the competent Civil Court. Possession is admittedly with the respondents, who are claiming ownership on the basis of registered sale deed, whereas, appellants' counsel contends that documents are fraudulent; all questions with regard to legal character can be decided by the Civil Court; succession proceedings are summary in nature, through which title cannot be decided, hence, instant M.A. is dismissed. With regard to plea of the appellants that respondents are in possession being tenant, appellant would be competent to file eviction application in order to substantiate their claim.

JUDGE

SAJID