

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

C.P. No. D — 1757 of 2021.

DATE ORDER WITH SIGNATURE OF JUDGE[s]

30.03.2022

FOR ORDERS AS TO NON-PROSECUTION.

Mr. Naseem ur Rehman Advocate for petitioners.
Mr. Rafique Ahmed Dahri, A.A.G. Sindh.

For the subject land Civil Court adjudicated the dispute in Suit No.45 of 1995 in the court of IInd Senior Civil Judge Hyderabad with the following prayer:-

- a) *That this Hon'ble court may be pleased to declare the action of the defendants treating suo moto Revision for cancellation of entries of plaintiffs land by the defendants from U.A. No.1 of Deh Ganjo Takar Taluka Latifabad, Hyd. And its subsequent sales to various persons as illegal, malafide, without jurisdiction, null and void and having no force in the eyes of law and the plaintiffs continue to be the owners of their property as per schedule attached with the plaint.*
- b) *That the permanent injunction be issued against the defendants restraining them from taking any action against the plaintiffs in respect of their lands shown as per entry in the record of rights fully prescribed in schedule attached with plaint by way of suo moto revision or other manner in any form by affecting the plaintiffs right as owners of the above stated property.*
- c) *Costs of the suit be awarded to plaintiff against the defendants.*
- d) *Any other relief which this Hon'ble court may deem fit and proper be also awarded to the plaintiff against the defendants in the interest of justice.*

The suit was decreed in terms of order VIII rule 10 CPC as no written statement was filed. Through in this petition, the petitioner seeks the revival of the entries as per record of 1995 and to set-aside the order of the court dated 21.7.1999 and 24.5.2000 but for annulment of decree and revenue entries this

petition is not a remedy. We are of the view that this petition not only suffers from laches but an order of the court dated 21.7.1999 and 24.5.2000 cannot be set-aside or ignored by initiating proceedings under Article 199 of the Constitution of Islamic Republic of Pakistan for revenue entries of 1995.

The petitioner if were aggrieved of any such order, which they have assailed in this petition could have initiated statutory proceedings available to them under the law. Such statutory proceedings cannot be bypassed under Article 199 and the jurisdiction is wrongly invoked by the petitioner insofar as the prayers.

The petition being misconceived and is dismissed accordingly.

JUDGE

JUDGE

A.