

ORDER SHEET

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

C. P. No. D - 1299 of 2021

Date of hearing	Order with signature of Judge
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**Hearing of case (priority)**

1. For orders on office objections at Flag-A
2. For hearing of CMA No.680/2021 (S/A)
3. For hearing of main case

**17.05.2023**

Syed Jaffar Ali Shah, Advocate for the petitioners.

Mr. Abdul Qadir Bhatti, Advocate for respondent No.6.

Mr. Ali Raza Baloch, Assistant Advocate General Sindh along with Muhammad Mustaqeem, Assistant Commissioner (Revenue), Faiz Ganj.

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The petitioners, through instant Constitutional Petition, have challenged the partition order dated 22.12.2020 passed by the Assistant Commissioner (Revenue), Faiz Ganj/respondent No.4 in Sessions Case No.105 of 2008, arisen out of Crime No.45 of 2008 registered at Police Station Faiz Ganj, District Khairpur under Sections 302, 114, 147, 148, 149, 324, 337-F(iii), 337-F(v), 337-H(2), P.P.C., wherein the land of respondent No.7, namely, Kaleem Hussain was attached by the said learned trial Court, which was, as per the claim of the petitioners, joint holding of the petitioners and respondents No.7 & 8, situated in various survey numbers of Deh Khair Muhammad Mojai; besides, a piece of land admeasuring 01 acre out of Survey No.119 and 196, situated in Deh Kot Laloo, Taluka Faiz Ganj, which allegedly purchased by the petitioner No.1 from respondent No.7 under registered sale deed on 02.08.2010 during latter's absconsion in the aforementioned sessions case.

Learned counsel for the petitioners contends that an appeal under Section 176 of the Sindh Land Revenue Act, 1967 is pending adjudication

before the Additional Deputy Commissioner-I, Khairpur against the said impugned partition/demarcation which has not been decided by him and he would be satisfied and will not press this petition, if directions are given to the Additional Deputy Commissioner-I, Khairpur to decide said appeal of the petitioners expeditiously without being influenced of the fact that this is a Court matter.

Learned counsel for respondent No.6 and A.A.G. record their no objections for the proposition of the learned counsel for the petitioner; hence, we dispose of this petition by directing to respondent No.3 (*Additional Deputy Commissioner-I, Khairpur*) to decide the revenue appeal of the petitioner No.1 expeditiously and preferably within sixty (60) days, without being influenced by the order of learned trial Court dated 16.12.2020.

Petition stands **disposed of** in the above terms along with listed application.

J U D G E

J U D G E

Abdul Basit