

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

R.A No.130 of 2012

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>20.01.2020</u>	<p>Mr. Arbab Ali Hakro, advocate for applicants Mr. Mir Naeem Talpur, advocate for private respondents Mr. Wali Muhammad Jamari, Assistant A.G Sindh ***</p> <p>Heard all the learned counsel for the parties at some length. Crux of the arguments of Counsel for the Applicants is, that the Sale Deed (of 14.11.1967) has been challenged by private Respondents in their F.C. Suit No. 24 of 2011, that is, much after the expiry of limitation period; besides, in terms of Article 100 of the Qanun-e-Shahadat Order 1984, a presumption of genuineness is also attached to such type of document; whereas, learned Advocate for private Respondents contends that in-effect issue of inheritance vis-a`-vis the suit land is involved, to which private Respondents are entitled to.</p> <p>Since question of limitation is a mixed question of law and facts, it would be appropriate that a decision is given after a full dress trial. In view of the above this Revision Application is disposed of by maintaining the impugned appellate judgment but by consent modifying the same, while remanding the matter to the learned Trial Court, with following directions:</p> <ul style="list-style-type: none">(i) That Written Statement should be filed within two weeks.(ii) Thereafter Issues will be framed, including the Issue about maintainability of the Suit so also limitation.(iii) Learned Trial Court preferably will conclude the evidence within two months and no unnecessary adjournment shall be granted; if a party is not coming forward to lead the evidence, then his side will be closed and witness of the other side shall be examined. Similarly, if a witness is not cross-examined on the date fixed, then his cross-examination will be marked as 'Nil'.(iv) Learned Trial Court will hand down the judgement preferably within four months from today. <p>This Revision Application is disposed of in above terms along with the listed application.</p> <p style="text-align: right;">JUDGE</p> <p><u>Sajjad Ali Jessar</u></p>