

ORDER SHEET  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**Cr. Appeal No.77 of 2023**

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Date	Order with signature of Judge
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1. For order on office objection as at Flag "A".
2. For hearing of main case.
3. For hearing of MA No.1374/2023.

**20.11.2023**

Syed Farhan Ali Shah, advocate for the appellant.

Ms. Rubina Qadir, DPG.

Mr. Mansoor Ahmed Khan, advocate for respondents.

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The Appellant Muhammad Saleem has called into question the order dated 16.1.2023 passed by the learned VIIIth Additional Sessions Judge Karachi East in Illegal Dispossession Complaint No.169 of 20222 with the following observation;-

**“So in view of the above-mentioned circumstances & in the interest of justice, on the basis of material available on record, I found that prima facie case is made out against the Respondents No. 1 to 3 for taking the cognizance against them. Let bailable warrants be issued against Respondents No. 1 to 3/accused, in the sum of Rs 20,000/- ach with P.R. bonds in the like amount. To come up on 06/02/2023.”**

2. A precise issue involved in the present proceedings is that an I.D Complaint of illegal dispossession was filed by the complainant against the applicant with the narration that he has forcibly occupied the second floor of the portion, constructed on plot bearing No. A-527, measuring 393.33 square yards, Gulshan-e-Iqbal, Block-5, Karachi. As per the Police report the ground floor had been rented out by the private Respondents to one Shoaib, while the 1st floor & 2nd floor of the portion of the said plot were/are in possession of the family of applicant Muhammad Saleem. According to the verification report of Sub-Registrar-I, Gulshan Town, Karachi, the Sublease Deed vide Registered No. 4246, dated 30/09/2021 of the subject alleged property is registered in the name of Complainant. The learned trial court has taken cognizance of the case and issued bailable warrants of the applicant vide impugned order.

3. Both parties after arguing the matter at some length have reached the consensus that the applicant will vacate the second floor of the portion, constructed on plot bearing No. A-527, measuring 393.33 square yards, Gulshan-

e-Iqbal, Block-5, Karachi will hand over its vacant possession to the complainant/owner without further loss of time, consequently the Illegal Dispossession Complaint No.169 of 20222 filed by the complainant shall stand dismissed as withdrawn as the purpose of filling the complaint has been served as the complainant no more interested to prosecute the applicant in terms of his undertaking given to this court. However, it is made clear that if the applicant fails to abide by his commitment the Illegal Dispossession Complaint No.169 of 2022 shall be revived and the trial court will take the lis to its logical conclusion within a reasonable time. Meanwhile, the parties shall also take care of the issue of civil proceedings accordingly. With this understanding, the instant appeal is disposed of in the above terms.

**J U D G E**

Shahzad Soomro