

ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO

Civil Revision No. S- 60 of 2017

Date	Order with signature of Judge
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1. For orders on office objection-A.
2. For hearing of main case.
3. For hearing of CMA No.402 of 2017.

19.01.2024.

Mr. Imdad Ali Mashori, Advocate for the Applicants.
Mr. Ghulam Dastagir Shahani, Advocate for Respondents.
Mr. Abdul Waris Bhutto, Assistant A.G.Sindh

This Civil Revision Application has been filed by Appellant Nos.1 to 4 (hereinafter referred to as “Himath and Mukhtar Ali and Chandio Party”) against the Judgment dated 29.11.2017 passed by the learned Judge of the District Court Kamber Shahdadkot at Kamber in Civil Appeal No.03/2016. The learned District Court set aside the Order dated 06.09.2016 passed by the learned Senior Civil Judge Shahdad Court, allowing the application under Order 40 Rule 1 CPC to appoint a receiver in Himath and Mukhtar Ali and Chandio Party FC Suit 60/2015. This civil revision by Himath and Mukhtar Ali and Chandio Party seeks to restore the trial Court’s Order dated 06.09.2016.

The learned Counsel for the Private Respondents, i.e. Respondent Nos.1 to 33, submits that during the pendency of this civil revision, the trial court has passed Judgment and decree in FC Suit 60/2015. He further submits that the Private Respondents have preferred an appeal against the said Judgment and Decree, which is pending hearing before the IInd Additional District & Sessions Judge, Kamber. Finally, he submits that the Appellants have filed execution proceedings in the trial court, which were pending hearing, except that the Private Respondents have obtained an interim stay order temporarily suspending the enforcement of the judgment and decree. He argues that Civil

Revision No.S-60/2017 before the High Court of Sindh Circuit Court Larkana has become infructuous.

The learned Counsel for the Applicants accepts the facts as narrated by the learned Counsel for the Private Respondents but denies the legal contentions raised by the latter.

Heard Counsels. Following the judgment passed in FC Suit No.60/2015 and the said civil suit being decreed, any and all matters arising therefrom have merged into the said Judgment and Decree. As such, the interlocutory order dated 29.11.2017, which is impugned in this Civil Revision, has also come to an end. When this Court asked the learned Counsel for the Applicants as to how this Civil Revision was maintainable in the present facts and circumstances of the case, he conceded the point raised by the Court. He urged that this Court grant him permission to file application for appointment of receiver afresh before the 2nd Additional District Judge, Kamber.

After the passing of Judgment and Decree in FC Suit No.60/2015, this Civil Revision has become infructuous. The Counsel for the Applicants is at liberty to move whatever application he wishes to do so including facing its legal consequences. In view of the above, this Civil Revision is disposed of in the above terms with no order as to costs.

J U D G E