

**HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

R.A No. 103 of 2023

[ Haji Muhammad @ Maloo v. Javed Ali & others ]

Applicant : through Mr. Tariq Ali Jakhrani, Advocate

Respondent-1 : through Mr. Ahsan Ali Bhurgri, Advocate

Respondent-2 (L.Rs) through Mr. Muhammad Nawaz B. Jamali  
Advocate

Mr. Allah Bachayo Soomro, Addl. A.G.,

Date of hearing : 13.05.2024  
& Order

ORDER

YOUSUF ALI SAYEED, J. - The Applicant has invoked the Revisional jurisdiction of this Court under Section 115 CPC so as to impugn the judgment dated 03.03.2023 rendered by the District Judge/Model Civil Appellate Court Badin, dismissing Civil Appeal No. 58 of 2022 filed by the Applicant against the compromise decree dated 03.08.2022 passed by the learned Senior Civil Judge Badin in F.C. Suit No. 119 of 2021 on an Application under Order 23 Rule 3 CPC preferred by the Respondent Nos. 1 & 2(i) to (iv), being the contesting parties to that Suit.

2. Learned counsel for the Applicant submitted that the aforementioned Suit had been filed by the Respondent No.1, seeking specific performance of an agreement to sell relating to a parcel of agricultural land admeasuring 06-06 acres as against the Respondent No.2(i) to (iv), whereas the present Applicant had filed a similar claim through Suit No. 166 of 2021 on the strength of another such agreement executed in his favour, and also filed an Application under Order 1 Rule 10 CPC in the prior Suit seeking to be made a party thereto, which was dismissed, with the Appeal filed by the Applicant in that regard also meeting the same fate. He submitted that during pendency of a Revision pending on the subject of his joinder to the Suit, the same was decreed in terms of the compromise, and argued that the rights of the Applicant had been prejudiced as a consequence, hence this further Revision.

3. Conversely, it is pointed out by the counsel appearing on behalf of the Respondents that Suit No. 166 of 2021 filed by the Applicant remained pending and that the plaint thereof had also been amended as to advance a claim as against Respondent No.1 subsequent to title of the land having passed to him. It was contended that the rights of the Applicant, if any, fell to be determined through his own Suit.

4. Having considered the matter, the Revision is found to be misconceived, as the Applicant remains at liberty to advance his cause through his own suit and has no *locus standi* to maintain the present Revision under the given circumstances, which stands dismissed accordingly along with pending miscellaneous applications.

JUDGE