

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Civil Revision No. S – 116 of 2024

Date of hearing	Order with signature of Judge
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Hearing of case

1. For hearing of main case
2. For hearing of CMA No.946/2024 (S/A)

19.08.2024

Mr. Asadullah Ghambir, Advocate for the Applicants
Mr. Shahryar Awan, Assistant Advocate General Sindh

ORDER

None present for the private respondents despite notice.

This Civil Revision Application challenges an order dated 24.04.2024 in Civil Appeal No.161 of 2022 passed on an application made by the applicant under Order 26 Rule 9 read with Section 151 CPC, calling the concerned Court to appoint a Commissioner to determine the actual location of the property alongside the adjacent properties, as the applicant was concerned that the execution of decree might result in the applicants personal property being handed out to the private respondents (decree holders) in error.

Perusal of the relevant part of the order does not convince this Court that there were ample reasons assigned by the concerned Court to dismiss such a request which was neutral in nature and for which possibility exists under Civil Procedure Code. Infact, it is duty of the Court to remain transparent and to ensure that no prejudice is caused to any party. In the circumstances at hand, the impugned order is set-aside by allowing the instant civil revision application and the application made under Order 26 Rule 9 read with Section 151 CPC is allowed, and the matter is remanded back to the concerned Court to appoint a Commissioner who shall make the investigation in accordance with Order 26 rule 9 CPC and the Commissioner to perform its duties as prescribed under Order 26 Rule 10 and file a report in accordance with law to the concerned Court.

The Civil Revision Application is allowed in the above terms.

Judge