

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Revision Application No.87 of 2022
(*Mst. Rubina Wahid v. Salahuddin and others*)

Date	Order with signature of Judge
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Disposed of matter

1. For order on M.A. No.170/2024
2. For orders on the maintainability of MA No.171/2024

24.04.2024

Mr. Muhammad Habib Jalib, advocate for the applicant

Mr. Liaquat Ali, advocate for respondent No.5

Ms. Amna Ansari, Addl. PG for the State

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1. As under.
2. The facts in brief for disposal of the listed application are that a complaint under provisions of Illegal Dispossession Act was filed by the applicant wherein she was restored with the possession of the subject property, subsequently on filing of an application by one Munir Ahmed, he was joined as one of the respondent in such a complaint by learned VI- Additional Sessions Judge Karachi East vide order dated 26.02.2022, it was impugned by the applicant by filing the instant revision application before this Court. In the meanwhile, the applicant withdrew her complaint. On account of such withdrawal, instant revision application was dismissed by this Court having become infructuous vide order dated 05.05.2023. On withdrawal of her complaint, the possession of the subject property restored with the applicant was taken back and was directed to be handed over to one Salahuddin by learned trial Court vide order dated 20.12.2022, it was impugned by the applicant by preferring a separate revision application (No.281/2022), it was accepted by this Court vide order dated 17.11.2023, whereby order passed by learned trial Court on 20.12.2022 was set aside with the direction to learned trial Court to

dispose of the case on merits by determining the possession of the subject property. In the meanwhile, the applicant by way of listed application has sought for setting aside of order dated 05.05.2023 passed by this Court, whereby instant Revision Application was dismissed having become infructuous.

It is contended by learned counsel for the applicant that the instant Revision Application to be restored to its original side for its regular hearing as none could be joined as a party in a criminal proceedings, which is opposed by learned counsel for the other side by contending that a revision application dismissed for having become infructuous could never be restored legally.

Heard arguments and perused the record.

Admittedly, the instant revision application has been dismissed by this Court as having become infructuous on account of withdrawal of the very complaint; it could not be restored only for the reason that the direct complaint so dismissed as withdrawn too has been restored for its hearing on merits legally; its hearing by learned trial Court obviously would determine the controversy between the parties finally, which is mandated by Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973; consequently, listed application is dismissed (along with pending application) which even otherwise is hit by laches.

J U D G E