

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Criminal Appeal No.489 of 2020  
(*Rizwan Ahmed v. Muhammad Ismail and others*)

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DATE: ORDER WITH SIGNATURE OF THE JUDGE

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1. For orders on office objection a/w Flag A
2. For hearing of main case

**30.04.2024**

Mr. Nayyar Ziauddin, advocate for the appellant  
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

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The facts in brief for disposal of the instant Crl. Appeal are that the appellant filed a complaint for prosecution of private respondents for having committed an offence punishable under Section 3/4 of the Illegal Dispossession Act, 2005; it was dismissed by learned IVth-Additional Sessions Judge Karachi West vide order dated 09.10.2020, which is impugned by the appellant before this Court by preferring the instant Crl. Appeal.

It is contended by the learned counsel for the appellant that the burden to make out a case for trial was light and such aspect has been lost sight of by the learned trial Court while dismissing the complaint of the appellant in summary manner by way of impugned order, which is liable to be examined by this Court.

Learned Astd. PG for the State by supporting the impugned order has sought dismissal of the instant Crl. Appeal.

Heard arguments and perused the record.

The learned trial Court while dismissing the complaint of the appellant has validly observed that:

*“Report further reveals that the Sannads in respect of plots bearing No.96 and 116 were got verified by the investigating officer from the office of Mukhtiarkar Goth Abad Scheme Karachi, West and the said Mukhtiarkar has verified the same in this report dated 18.08.2020 mentioning therein that the aforementioned plots are still entered in the name of Rizwan Ahmed Sultana Rizwan respectively as per office record.*

*It is to be noted that the complainant has claimed that half portion of plot bearing No.116, the subject property has been illegally occupied by the respondents/accused persons while the accused Muhammad Ismail has claimed that the half portion of the plot which the complainant is claiming is plot No.610 which has been purchased by him from one Mustafa Ahmed Siddiqui and it is not the plot of the complainant and that the complainant has made a wrong claim in respect of the house which is in his possession wherein his relative family is residing.*

*In view of the above, I am of the considered view that there is purely a civil nature dispute between the parties which can only be decided by a competent civil court, therefore, the instant complaint is not maintainable within the purview of Illegal Dispossession Act, 2005.”*

No illegality is noticed in the impugned order which may justify this court to interfere with the same by way of instant Crl. Appeal; it is dismissed accordingly.

**JUDGE**