

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Revision Application No.264 of 2022
[Mrs. Salma Farhan v. Mr. Mahboob Ahmed Siddiqui and others]

Date	Order With Signature Of Judge
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For hg of main case
05.11.2024.

Applicant is present in person.
Ms. Amna Ansari, Addl. Prosecutor General, Sindh.
Mr. Kaleem-ul-Hassan Siddiqui, advocate for respondents.

MUHAMMAD IQBAL KALHORO, J:- Applicant filed a complaint under sections 3, 4, 7 and 8 of the Illegal Dispossession Act, 2005 against respondents alleging that they had occupied her House bearing No.L-897, measuring 80 sq.yds., Sector-3, North Karachi Town, Karachi, which was dismissed vide order dated 02.11.2022, against which, she has filed this Criminal Revision Application.

2. I have heard applicant in person as well as learned counsel for respondents and learned Additional Prosecutor General, Sindh. Learned APG has supported the impugned order.

3. Applicant has contended that she was dispossessed from the house by respondents in the year 2022. I have perused the order as well as complaint available at page 19. In the entire complaint, it is not mentioned that when the respondents dispossessed the applicant/complainant from the property. On the contrary, in the complaint, the applicant has prayed for getting the vacant possession of the premises from the respondents No. 1 to 4. In the order, learned Court has observed that the entire claim of the applicant is based on a sale agreement purportedly executed in her father's favour by the previous owner on the basis of which he had executed gift deed in favour of the applicant. It has further observed that both the documents are unregistered. The property was purchased from accused Mahboob

Ahmed Siddiqui but neither sale deed nor any other document has been produced. Since the applicant had no prima facie case to proceed with, the complaint was dismissed in limine. Applicant has informed that she has already filed a civil suit in the light of directions passed in the impugned order. However, she has insisted that her possession be restored. From record, it is not obvious that when she was dispossessed from the house and by whom, nor such fact is mentioned in her complaint. More so the parties are already before the civil court over the same subject matter. No case, therefore, for indulgence is made out. Accordingly, this Criminal Revision Application is dismissed. However, the parties are at liberty to contest the civil remedy already pending before the competent Court of Law in accordance with law.

The Criminal Revision Application is disposed of.

JUDGE

HANIF