

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C.P No.D-824 of 2024

Date	Order with signature of Judge
1.	For orders on office objections
2.	For hearing of CMA No.3202/2024
3.	For hearing of main case.

09.10.2024

Mr. Safdar Ali Bhatti, Advocate for the Petitioner
Mr. Abdul Rahim Jamro, Advocate for Respondent No.2
Mr. Ahmed Ali Shahani, AAG

Learned Counsel for the Petitioner submits that Senior Civil Judge passed the impugned order dated 16.05.2023 dismissing the application filed under Order 6 Rule 17 CPC without assigning any reasons. He prayed that instant petition may be allowed and the learned trial Court may be directed to re-hear the said application and decided the same through a speaking order.

Learned Counsel representing the Respondent No.1 submits that during the pendency of Execution Application No.3/2012 filed by Respondent No.1, which was allowed vide order dated 09.11.2017 and the possession of the suit land was handed over to the Respondent No.1 and her sister, and since then they are in possession of the suit land and cultivating the same through their Haris and during pendency of proceedings, they came to know about the false document viz. registered sale deed No.425 dated 02.05.2013 claiming that the Respondent sold out suit land in the year, 2013, which led her to file a Civil Suit No.183/2017 for declaration, cancellation and permanent injunction, however, when Civil Suit No.07/2018 was filed, the petitioner was not in possession of the suit land, hence his claim regarding illegal occupation of suit land by the Respondent No.1 is false and forged; besides, the aforesaid suit was filed for declaration only and no relief for possession was sought by the Petitioner.

As to the conclusion drawn on an application made by the petitioner under Order 6 Rule 17, learned Counsel for the Respondent No.1 concedes that a well-reasoned order should may been passed in order to ascertain the factual aspects of the case.

In the circumstances, instant petition is allowed with consent directing learned trial Court to give a detailed order on the Order 6 Rule 17 application filed by the petitioner, while keeping the same findings so that the legal vacuum could be filled.

JUDGE

JUDGE

Faisal Mumtaz/PS