

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Revision No. S- 139 of 2020.

Applicants : Khan Muhammad Ghanghro & others through Mr.Shamsuddin Ghanghro, Advocate.

Respondent No.1 : Gulsher Ghanghro through Mr.Aacher Khan Gabol, Advocate.

Official Respondents : Through Mr. Ghulam Abbas Kuber, Asstt: A.G.:

Date of hearing : 18.11.2024.

Date of judgment : 18.11.2024.

J U D G M E N T.

ZULFIQAR Ahmad Khan -J.- Through instant Civil Revision, applicant has assailed impugned judgment dated 10.8.2020 and Decree dated 13.8.2020 passed by learned Additional District Judge, Mirwah in Civil Appeal No.49 of 2015 re: Gulsher v. Khan Muhammad and others whereby the Appellate Court set aside the judgment dated 19.8.2015 and Decree dated 20.8.2015 passed by learned Senior Civil Judge, Mirwah in Civil Suit No.61/2010 re: Gulsher v. Khan Muhammad & others.

Detailed report has been submitted by the Mukhtiarkar Revenue, Taluka Mirwah/respondent No.3 which has very meticulously taken the history of case as well as through various annexures not only has given hierarchy of background of khatedars but also through Table –C Annexure E has given which party from either side has excess ownership of the land and which one has shortage of land. Also through Annexure F, he has given details as to which party is in possession of how much portion of land.

Learned counsel for the applicant could not controvert any illegality in the impugned judgment passed by learned Appellate Court in which in fact has maintained that the right share of legal heirs of Lahno be handed out to

them and the decree be treated as a preliminary decree to the extent that mesne profit need to be calculated and also be paid by the applicant.

Learned counsel for the respondent No.1 in the circumstances is willing to forego claim of mesne profit as long as their right share in inheritance that has passed on to Gulsher, her mother Mst.Saleemat, the wife of Haji Allan and daughter of Lahno as well as Mst.Sumbal be handed out to them by taking appropriate actions as well as the possession of the said land be handed out to this family.

Counsel for the applicants states that there is another petition where he has also purchased certain area of land from son of Pir Zaman Shah, that case whenever comes before this Court will be decided on its merits.

In the circumstances, I am disposing of this Civil Revision Application with directions to the concerned Mukhtiarkar present to ensure that all the illegal entries as per his calculation of table C be corrected in the record of rights as well as respondent to make an appropriate application for transfer of Foti Khata Badal for the lands which are still existing in the name of Mst.Saleemat in Survey Numbers 480 and 1156. The Mukhtiarkar Revenue, Taluka Mirwah to carve out portion of each party in accordance with the above specifications as available in Table E and F. In case any force is needed, concerned SSP to ensure this Court orders are complied with. The work done by the concerned Mukhtiarkar is appreciated. Compliance report to be furnished through Additional Registrar of this Court within two months.

J U D G E