

**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Cr. Acquittal Appeal No.S-106 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on M.A. No.5358/2023.

08.06.2023.

Mr. Sadam Hussain Khaskheli advocate for the appellant.

O R D E R

MUHAMMAD IQBAL KALHORO, J:- A legal heir of late Muhammad Yousuf filed a direct complaint on his behalf before learned Additional Sessions Judge-II, Jamshoro @ Kotri, under the Illegal Dispossession Act, 2005, alleging that he was in occupation of a quarter given to him by Karim Mill situated near Behar Colony Chowk Kotri from which he was dispossessed by respondents No.1 to 11 on 23/24.08.2009. Not only they occupied the quarter but also they robbed articles from them and caused beating to his family members. He went to police station but FIR was not registered and ultimately he filed a direct complaint. The direct complaint was registered, notices were issued and after recording evidence has been dismissed vide impugned judgment dated 16.04.2022.

Learned counsel for appellants has drawn attention to a report available at page No.89, filed before trial Court by advocate for Karim Cotton Mill as a proof of his occupation of the quarter. This statement does not show that Muhammad Yousuf (late) was ever allotted quarter by the Cotton Mill. At the most it shows that in the year 1994 the quarter was handedover to him for residential purpose but as a temporary arrangement with a condition of continuity of job of worker. Muhammad Yousuf since has expired and there is no evidence that any of his legal heir is working in said Cotton Mill and the Cotton Mill has extended residential rights of said quarter to him or family members of Muhammad Yousuf. Learned trial Court has attended to every aspect of the case and at page No.5 of judgment has observed that the complainant has failed to produce any allotment order issued by Karim Cotton Mill to him or any other document showing allotment of property/quarter in question by the administration of the said Mill. He has also failed to produce any

evidence establishing his possession or ownership of the quarter. The trial Court has also observed that complainant has failed to produce any legal/title document from which it can be ascertained that complainant is either owner of the alleged house or a lawful occupant. Reasons given by the trial Court are persuasive and cogent, therefore, no case for indulgence is made out. Accordingly, the criminal acquittal appeal is dismissed along with listed application in limine.

JUDGE

Irfan Ali