

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
R. A. No. S – 188 of 2018

Date of hearing	Order with signature of Judge
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Hearing of case
For hearing of main case

04-12-2020

Mr. Abdul Ahad Buriro, Advocate for the applicant.
Mr. Abdul Mujeeb Shaikh, Advocate for respondent No.1.
Mr. Mehboob Ali Wassan, Assistant Advocate General Sindh.

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Learned counsel for the applicant has argued that this revision application has been filed on dismissal of his appeal, which was filed on the order of the learned trial Court having allowed the application under Order VII Rule 11 CPC, and the learned appellate Court upholding the said order, whereas, the proceedings of the other side for possession were allowed to continue. He further contends that in the subsequent proceedings of possession by the private respondents, he has been entertained to the extent of framing of an issue as to the contention of the said applicant, but is fearful that as his specific performance claims has been dismissed, his possession even if eventually found rightful / legal may not be entertained.

Learned counsels present, however, after arguing for some length, agreed that this revision application may be disposed of with the remarks that it shall be open for a Civil Court to mold the relief for both the parties based upon the evidence and material as brought up. Ordered accordingly. Learned AAG, however, states that the record shows that the subject property said to have been leased by the Municipal Corporation may not be available against the Government as such powers may not have been available.

In the present circumstances, it may be observed that the lessor is not entitled to grant rights which are not available to the leasing authority however right of possession between rival private parties do not create entitlement against the Government in case the same is not available by due course of law. The right of possession and its adjudication between the parties has nothing to do with any claim against the Government.

With the above observations, matter stands **disposed of** without touching the impugned order/s.

J U D G E

Abdul Basit