

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No.S-03 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on M.A No.1072/2024.
2. For hearing of main case.

10.03.2026

Mr. Rao Faisal Ali, advocate a/w petitioner.
Mr. Awais Khan Laghari, advocate for respondent No.1(a and b).
Mr. Muhammad Shareef Solangi, Assistant A.G Sindh.
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The controversy involved in the present petition is that the Petitioner's suit was decreed; however, subsequently an application under Section 12(2) CPC was filed by Respondent No.1 on the ground that notices were not served upon them, and such application was dismissed by the learned trial court. However, the Revisional Court set-aside the Order and remanded the matter to the learned trial court for recording evidence.

2. The matter was argued in detail by both the learned counsel on multiple dates whereby it appears that the Petitioner has made out a strong case. However, at the fag end of the arguments and realizing the strength of Petitioner's case, both the learned counsel, under instructions, state that they would be satisfied if the instant petition is disposed of in the terms that the learned trial court be directed to proceed and conclude the trial expeditiously, after allowing opportunity of evidence to the parties strictly in accordance with law, subject to deposit of sum of Rs.500,000/- by the Respondent No.1 to the Petitioner, as stipulated in the terms recorded below. Order accordingly.

3. In view of the above, consent agreement between the parties, the impugned Order dated 30.04.2024 passed by the learned Additional District Judge-II, Sanghar, is upheld and the learned trial court is directed to conclude

the trial and pass a Judgment after providing due opportunity of evidence to both sides whereby no unnecessary adjournment shall be granted to any of the parties.

4. It is specifically recorded that this conditional consent arrangement is strictly subject to deposit of Rs.500,000/- by the Respondent No.1 with the Additional Registrar of this Court, out of which, Rs.100,000/- by the Respondent No.1 on or before 25.03.2026 with the Additional Registrar of this Court, to be released to the Petitioner after due verification; whereas the remaining sum of Rs.400,000/- shall be deposited by Respondent No.1 on or before 25.04.2026 which is also to be released to the Petitioner.

5. Once the above exercise of deposit of entire Rs.500,000/- is completed by the Respondent No.1 on or before 25.04.2026, the matter shall be remanded back to the learned trial Court for recording evidence of the respective parties and pass Judgment on merits within a period of 90 days from the date of the letter by the Additional Registrar of this Court about complete payment of Rs.500,000/-, as agreed between the parties.

6. It is further agreed by consent between the parties, that in case of non-compliance of payment of costs by the Respondent No.1, the instant petition shall stand allowed and the impugned Order passed by the learned Appellate Court shall be considered as set-aside and the Order dated 18.08.2023 passed by the learned trial court shall be upheld.

The instant petition is disposed of alongwith the listed application in the above terms.

JUDGE