

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Revision Application No.310 of 2025

Applicant : Ali Nawab
son of Nawab Khan Lodhi
Through Mr. Jahangir Kalhoro,
Advocate

Respondent-1 : Abdullah Khan Lodhi
son of Zulfiqar Ali Khan Lodhi
Through Mr. Iftikhar Ahmed,
Advocate.

Respondent No.2 : Station House Officer
of PS Mehmoodabad

The State : through, Ms. Seema Zaidi, Addl.P.G.

Date of hearing : 14.04.2026.

Date of Order : 14.04.2026.

ORDER

Jan Ali Junejo, J:-- Through this Criminal Revision Application under Sections 435 & 439-A Cr.P.C., the applicant/accused Ali Nawaz son of Nawab Khan Lodhi seeks setting aside of the order dated 13.11.2025 (hereinafter referred to as the "*Impugned Order*") passed by the learned Additional District & Sessions Judge-VIII, Karachi (South), in Illegal Dispossession Complaint No. Nil of 2025 [Re. Abdullah Khan Lodhi Vs. Ali & Ors], whereby the learned Additional District & Sessions Judge was pleased to admitted against the accused.

2. The genesis of this matter emanates from a complaint filed by Abdullah Lodhi under Sections 3, 4, 5 & 8 of the Illegal Dispossession Act, 2005, wherein he alleged that he is a law-abiding citizen of Pakistan belonging to a respectable family and is the lawful owner of Residential-cum-Commercial Plot No.142, Survey No.142, Sheet No. MAC-III, measuring 109.88 square yards, situated at Mehmoodabad, Karachi, by virtue of a registered Conveyance Deed bearing Registration No.1722, Book No.1, dated 16-05-2022, Sub-Registrar-I, Jamshed Karachi and Digital Scanning Unit No.RD:

1722/SRO:17/Doctype: 14 dated 23.07.2022, DSU Khi, BoR Sindh. The said property remained in his peaceful possession, whereupon he demolished the previous structure and commenced construction from his own resources; however, due to financial constraints, construction was temporarily halted and the premises were locked. Upon subsequent visits, the complainant was shocked to discover that the property had been illegally occupied, his locks broken, and a hotel operating under the name “Quetta Al-Habib Café” had been established thereon by Abdul Aleem Khan (proposed accused No.2), who falsely claimed ownership through alleged purchase from Ali Nawab (proposed accused No.1). When confronted, the accused persons not only denied the complainant’s lawful ownership but also extended threats, used abusive language, and forcibly dispossessed him while displaying weapons. Despite repeated efforts by the complainant, including intervention through respectable persons of the locality and approaching the concerned SHO of P.S. Mehmoodabad, no relief was afforded. The accused persons, having no lawful title or interest in the property, continue to remain in illegal possession with the intent to usurp the same, thereby compelling the complainant to seek redress before this Honourable Court for restoration of possession and initiation of legal proceedings in accordance with law.

3. During the trial proceedings, the learned Additional Sessions Judge, after calling reports from the concerned Station House Officer and conducting necessary inquiries, formed a prima facie opinion that a case against the accused persons was established and accordingly took cognizance against the accused persons to facilitate a fair and just conclusion.

4. Learned counsel for the applicant, vehemently challenged impugned order and contending that the impugned order dated 13.11.2025 is illegal, arbitrary, and without lawful authority, having been passed in misapprehension of facts and law, as the learned trial Court failed to appreciate that the applicant is the lawful purchaser

and in possession of the ground floor of Plot No.142, Survey No.142, Sheet No. MAC-III, Mehmoodabad, Karachi, by virtue of a valid sale agreement dated 16.04.2024 executed by Muhammad Tayyab, followed by a lawful tenancy created in favour of Respondent No.2 through agreement dated 01.06.2025; that the dispute, if any, is purely civil in nature relating to title and tenancy, which does not attract the provisions of the Illegal Dispossession Act, 2005; that the complainant's claim pertains only to the first floor and does not extend to the ground floor, yet the learned Court below erroneously assumed otherwise; that neither the applicant nor his tenant ever dispossessed or threatened the complainant, and the documentary evidence including sale agreement, tenancy agreement, rent receipts, police record, and statements of witnesses establishing lawful possession have been ignored; that even the police report and statement of the alleged vendor Muhammad Tayyab confirming the sale in favour of the applicant were not considered; and that by admitting a misconceived complaint and issuingailable warrants, the learned trial Court has caused grave prejudice and harassment to the applicant; he lastly prays set aside the impugned order.

5. On the contrary, learned counsel for respondent No.1, staunchly defended the impugned order and submitted that the accused persons have unlawfully occupied the suit property without any legal authority and that the record of rights clearly establishes the ownership of the complainant. It was contended that the learned trial court correctly exercised its jurisdiction in taking cognizance after examining the documentary evidence and reports submitted by concerned SHO, which prima facie established a case of illegal dispossession.

6. Learned Additional Prosecutor General Sindh supported the cognizance order and submitting that the learned trial court had sufficient material before it to conclude that a prima facie case was established against the accused persons under the provisions of the Illegal Dispossession Act, 2005. The learned Addl. PG contended that the inquiry conducted by the concerned SHO provided

adequate foundation for the trial court to exercise its jurisdiction under the Act.

7. I have heard the learned counsel for respective parties and perused the available record with their assistance.

8. Since, the respondent No. 1 is title holder and bonafide owner of the property in dispute which is still intact in his name. Such fact is evident from the registered Conveyance Deed bearing Registration No.1722, Book No.1, dated 16-05-2022, Sub-Registrar-1, Jamshed Karachi and Digital Scanning Unit No.RD: 1722/SRO:17/Doctype: 14 dated 23.07.2022, DSU Khi, BoR Sindh and said document has not been assailed / questioned by the applicant or any of the party. As far as, alleged purchase of the property by the applicant from a stranger through unregistered sale agreement, is concerned, the person who allegedly had sold it out to the applicant, was not competent to sale out the property in dispute nor submitted any valid document or sale deed to show that the respondent had sold it out to him. Hence, such transaction to sale in respect of the property in dispute being itself questionable would not confer the right of ownership upon the applicant/accused; hence, impugned order does not suffer from any illegality or infirmity which may warrant interference by this Court.

9. Insofar as the scope of revisional jurisdiction is concerned, it is by now well-settled that interference is warranted only where there is a patent illegality, material irregularity, or jurisdictional defect in the impugned order.

10. In the present case, the learned trial Court, at the stage of admission of complaint, was only required to form a tentative opinion regarding existence of a prima facie case. A perusal of the record reflects that sufficient material was available to justify issuance of process against the accused persons.

11. No illegality, perversity, or jurisdictional defect has been pointed out in the impugned order which may warrant interference by this Court in exercise of its revisional jurisdiction.

12. For the foregoing reasons, the instant Criminal Revision Application, being devoid of merit, is hereby **dismissed**. The impugned order dated 13.11.2025 is maintained.

JUDGE