

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

Constitution Petition No.S-39 of 2026.
(Ghulam Shabir Vs. Khamiso and Others)

DATE	ORDER WITH SIGNATURE OF JUDGE
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Before:-
Mr. Justice Ali Haider ‘Ada’

01. For orders on office objection "A".
02. For orders on M.A No.96 of 2026 (Exemption Appln).
03. For of hearing of main case.

04.09.2026.

Mr. Qazi Sajid Ali M. Qureshi, Advocate for the Petitioner.

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Ali Haider ‘Ada’ J.- The Petitioner instituted F.C. Suit No.109 of 1997 for possession of a residential house measuring 5,000 square feet, situated at Village Awan, Taluka Mehar (hereinafter referred to as “the suit property”). The said suit was filed against his own brother and father on the ground that the suit property had been sold to him by his father through an agreement. Subsequently, the suit was withdrawn

2. According to the Petitioner’s stance, he was subsequently implicated in a criminal case. However, he was released from jail on 04.03.2024, as his Jail Petition No.774 of 2018 was thereafter dismissed by the Supreme Court of Pakistan on the said ground.

3. Later, the Petitioner instituted Civil Suit No.99 of 2025 before the learned Senior Civil Judge-I, Mehar (the trial Court), seeking the same relief that had already been claimed in the earlier suit. The trial Court, vide order dated 13.11.2025, rejected the plaint under Order VII, Rule 11, C.P.C. Feeling aggrieved, the Petitioner approached the Revisional Court; however, he remained unsuccessful, as the Revisional Court, vide order dated 22.12.2025, upheld the order of the trial Court. Consequently, the Petitioner preferred the instant petition, impugning the decisions of the Courts below.

4. Learned counsel for the Petitioner submits that the matter requires recording of evidence, as the Petitioner purchased the property from his father, who had sold the same to him through an agreement. However, during the course of arguments, learned counsel candidly admitted that the suit property is not supported by any title document and is not even recorded in the name of the Petitioner's father. He further admitted that the parties are residing therein merely as possessors and that such possession is not supported by any lawful title. The agreement was also executed in respect of land which was not owned by the Petitioner's father. Learned counsel, however, submits that the Petitioner possesses utility bills relating to the property and, on that basis, prays that the decisions of the Courts below be set aside.

5. Heard and perused the material available on record.

6. It is quite clear that the suit property is not supported by any title document, and even according to the Petitioner, no title document exists in the name of the vendor, as alleged in the agreement. It was, therefore, the primary duty of the Petitioner to clarify this aspect. However, the matter stands on a different footing, as the Petitioner was already aware that the vendor had no title to the property. Despite such knowledge, the Petitioner, according to his own contention, proceeded to execute the agreement. Such a practice is not recognized under the law.

7. The Petitioner merely sought to claim the property on the basis of utility bills; however, the same did not bear any fruit for him. Such entries could never be termed equivalent to ownership. Reliance is placed upon the case of **Amjad Ali v. Anwar Shah, 2025 SCMR 211**.

8. An agreement to sell, in itself, is not a title document. An agreement to sell, by its very nature, does not create or transfer any right or title. Reliance is placed upon the case of **Rawail Khan (deceased) v. Khawaja Muhammad Arif, 2026 SCMR 1268**.

9. Moreover, concurrent findings of fact, recorded by the Courts below after proper appraisal of the record, cannot be disturbed unless shown to be perverse, arbitrary, or based on misreading or non-reading of the record. While in the exercise of its Constitutional jurisdiction, the High

Court must refrain from reappraising the evidence or substituting its own conclusions for those concurrently reached by the subordinate Courts, particularly where such findings fall within the permissible parameters governing original and Revisional jurisdiction.

10. For the foregoing reasons, the instant petition, being devoid of merit, is accordingly dismissed.

JUDGE