

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

R.A. No. 127 of 2014.

DATE	ORDER WITH SIGNATURE OF JUDGE
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10.09.2014.

For katcha Peshi.
For hearing of CMA-778/14.

Mr. Noor-ul-Amin Sipio, Advocate for the Applicant.
Mr. Ayaz Ali Rajper, Advocate for Respondent No.1.

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Learned counsel for the applicant has filed this revision application against the order of remand of the case by the appellate Court to the trial Court for recording evidence of the parties and deciding the suit No.57 of 2012 on merits.

The Applicant`s counsel concedes before this Court that plaint was rejected under Order VII Rule 11 CPC without recording of evidence as obviously recording of evidence was not required when the Court invoked the jurisdiction under Order VII Rule 11 CPC. This is also admitted by the learned counsel for the Applicant that the dispute before the trial Court is in respect of the gift of immovable property whether the gift was executed between the parties or whether the trial Court properly revoked/cancelled by the donor after 20 years. All questions of fact have been ignored by the trial Court while passing the order of rejection of the plaint under Order VII Rule 11 C.P.C. The appellate Court has directed the trial Court to record evidence and to pass an order on merits. No plausible excuse has been extended by the learned counsel for the Applicant to

interfere with the findings of the learned appellate Court, therefore, this revision application has no merit and it is dismissed along with all pending applications.

JUDGE.

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