

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE SAJJAD ALI SHAH
MR. JUSTICE MUHAMMAD ALI MAZHAR

CIVIL PETITION NO.488-K OF 2019

Against the judgment dated 28.05.2019 passed by
High Court of Sindh, Karachi in HCA No.2/2015

Muhammad Anwar and another ...Petitioner(s)

VERSUS

Badruddin (decd) thr. his L.Rs and others ...Respondent(s)

For the Petitioner(s): Mr. Abbad-ul-Hussnain, ASC

For the Respondent(s) Mr. Muhammad Aziz Khan, ASC
Mr. K. A. Wahab, AOR

Date of Hearing: 17.02.2022

ORDER

SAJJAD ALI SHAH, J. — It has been brought to our notice that the respondents had filed Civil Suit No.740/2011 for possession, which is pending adjudication before the High Court and therefore, both the learned counsel, after arguing the case at length, suggested and consented to the setting aside of impugned judgment and remanding the Suit back to the High Court for its decision on merits as the Court of appeal has travelled beyond the ambit of application filed before the Court of original jurisdiction seeking rejection of plaint. In the circumstances, it was further suggested that both the Suits be consolidated and one set of issues be framed, Commissioner be appointed and the matter be decided within a period of six months. We feel that the suggestions are appropriate and fit in the circumstances of the instant litigation. We are sanguine that the High Court would take note of the above order and would ensure framing the common issues in both the Suits. The parties may move appropriate application

for appointment of Commissioner to record evidence, so that the matter could be decided as suggested.

2. We therefore convert this petition into appeal and allow the same in the above terms.

Sd/= Sajjad Ali Shah, J

Sd/= Muhammad Ali Mazhar, J



"Not approved for reporting"

CERTIFICATE OF AUTHORITY

Judicial Officer
Sd/= Sajjad Ali Shah, J
Sd/= Muhammad Ali Mazhar, J
17/2/22