


THE HIGH COURT OF SINDH KARACHI

No.Gaz/XII.Z.14(HC(iii))

Karachi dated the 25th September, 2018


C I R C U L A R

In compliance of directions of Hon'ble Supreme Court of Pakistan contained in Court's order dated 29-08-2018 passed in Civil Petition No. 316 – K of 2018 (Muhammad Younis Vs. Muhammad Sharif and others), copy whereof is enclosed herewith for placing before the Hon'ble Judges of this Court for information and guidance.


(Ghulam Rasool Samoon)
REGISTRAR

Copy to:-

1. All the Court Associates to the Hon'ble Judges at Principal Seat, Bench at Sukkur and Circuit Courts at Hyderabad and Larkana for being placed before their lordships.
2. The MIT-II of this Court.
3. The Director IT of this Court for uploading on official website of this Court.
4. The Secretary to Hon'ble Chief Justice.
5. The Media Coordinator of this Court.
6. The Additional Registrars, High Court of Sindh, Bench at Sukkur and Circuit Courts at Hyderabad and Larkana.
7. Office Order File.


(Muhammad Ahmed)
Assistant Registrar (Gazette)

5264
07/9/18
Phone: 9212310.

NO: C.P 316 - K OF 2018
SUPREME COURT OF PAKISTAN

Karachi, the 06 Sep., 2018

From:

The Senior Court Associate,
Supreme Court of Pakistan,
M.R. Kayani Road,
Karachi.

To,

The Hon'ble Chief Justice,
Sindh High Court, through
Registrar, High Court of Sindh,
Karachi.

SUBJECT:- CIVIL PETITION NO: 316 - K OF 2018
(Muhammad Younis Vs. Muhammad
Sharif and others)

On appeal from the Judgment/Order of
the High Court of Sindh at Hyderabad.
Dated: 12-03-2018, in C.R.A No.91/2015.

I am directed to enclose herewith for information and necessary
action a certified copy of the Order of this Court dated: 29-08-2018, Dismissing
the above-cited Civil Petition.

2. I am also to invite your attention to the directions of this Court
contained in the enclosed Order, for necessary action.

3. The receipt of this letter along-with its enclosure may kindly be
acknowledged.


(SYED ZAFAR ALI)
Sr. Court Associate

Encl:- Certified copy of Order.

Registrar
H.C.
Karachi

Ar. G. 3.
h. F. new
Mr. Nadeem

MD
02/09/18

IN THE SUPREME COURT OF PAKISTAN
(Appellate jurisdiction)

Present:

**Mr. Justice Mushir Alam
Mr. Justice Faisal Arab
Mr. Justice Sajjad Ali Shah**

C.P No. 316-K of 2018.

(Against the order dated 12.3.18 passed by the
High Court of Sindh in CR A No. 91/2005)

Muhammad Younis.

...Petitioner(s)

VERSUS

Muhammad Sharif & others.

... Respondent(s)

For the Petitioner(s) : In person

For the Respondent(s) : In person

Amicus curiae : Ms Noor Naz Agha, ASC

Date of hearing : 29.08.2018

ORDER

Mushir Alam, J. Both the petitioner and respondent are sons of deceased Manzoor Ahmed who passed away leaving some immovable property which according to respondent was purchased by him through registered conveyance deed on 24.2.2010 from his father just few months before his demise. It is not disputed that the deceased was suffering from some ailment for quite some time and was under his dominant control. The conveyance deed was challenged successfully by the plaintiff/respondent No.1 before the learned trial Court and the appellate Court maintained the finding which was sustained by the High Court.

2. The petitioner-defendant claimed that late father had settled the claim with the respondent-plaintiff who was paid his due share. There is nothing on record to substantiate such claim nor is there any evidence regarding any consideration having been paid to his late father. Therefore, the findings as recorded by the learned appellate Court in para 5 of the judgment is cogent and quite explicit and no exception to such findings could be taken. Accordingly finding no merit in this petition, the same is dismissed and leave to appeal is declined.

ATTESTED


Senior Counsel Appellate
Supreme Court of Pakistan
Karachi.

3. To sum up the controversy as noted above, we had to examine the entire record to decide the matter instead of remanding the same to rewrite the judgment.

4. We have noted that the impugned judgment is quite a slipshod. Impugned order records that *"the instant revision application arises from proceedings of declaration and injunction in respect of sale deed for the subject property in respect of which, concurrent findings are present. Learned counsel for the applicant has not able to show any ground whereby the said findings as made in the matter may be open to disturbance. In the circumstances, this revision application stands dismissed with normal costs"*. We have noticed that judgments of the High Court in many cases are being written down in most cursory manner. Though the Courts are empowered to decide the matter in exercise of revisional jurisdiction by examining that jurisdiction was properly exercised by Courts below. High Court being apex Court of the Province should at-least note down crux of the controversy, at-least main ground of challenge agitated by parties and opinion of the Court sustaining and/or otherwise such challenge. The manner in which impugned judgment is penned down by the apex Court of the Province is not approved. Let copy of this order be forwarded to the Hon'ble Chief Justice of High Court of Sindh for information and be circulated to the Hon'ble Judges of High Court as a piece of guidance while penning down judgments.



Sd/= Mushir Alam, J
Sd/= Faisal Arab, J
Sd/= Sajjad Ali Shah, J

CERTIFIED TO BE TRUE COPY

[Signature]
6/9/18

Senior Court Associate
Supreme Court of Pakistan
Karachi.

Karachi
August 29, 2018
Not approved for reporting
A. Rehman*

[Signature]
6/9/18