

## JUDGMENT SHEET

IN THE HIGH COURT OF BALOCHISTAN, SIBI BENCH AT  
QUETTA

**Civil Revision Petition No(s).29 of 2025**  
(CC # 100207800159)

Abdul Haq & others  
Vs.  
Mst. Mena & another

Date of hearing: 27.11.2025 Announced on: 29.11.2025.

Petitioners by: Mr. Abdul Wahab Buledi, Advocate.

Respondent

No.1 by: Mr. Anwar-ul-Haq Chaudhry, Advocate (on video link)

Respondent

No.2 by: Mr. Saifullah Sanjrani, Assistant Advocate General.

## JUDGMENT

**Sardar Ahmad Haleemi, J.** This Civil Revision Petition is directed against the injunctive order dated 17-04-2025 (hereinafter "**the impugned Order**") passed by learned Majlis-e-Shoora Kachi at Dhadar (hereinafter "**the appellate Court**"), whereby the Civil Appeal under Order XLIII Rule 1&2 CPC was accepted in the following terms:

*"The respondents are order hereby to not sale the property nor alter or change the area of the land in dispute and also the respondents restrain any kind of change in the mutation entries in the revenue record till the final Order/Judgment by the trial court"*

2. Laconic facts of the case are that plaintiff (**respondent No.1**) filed a suit against the **defendants** (petitioners) & another for Declaration, Partition, Inheritance Share, Separate, Possession Mense Profits, Cancellation of Mutations entries & Consequential relief coupled with an application under Order XXXIX Rules 1 and 2 CPC read with section 151 CPC before learned Qazi Dhadar ("**the trial Court**") with the averments that Muhammad Siddique (deceased) the predecessor of the parties was the recorded owner of the suit properties, which were cultivated by the petitioners. After their predecessor's death, the petitioners transferred the suit properties in their names by excluding the name of respondent No.1 from the revenue records, thereby committing forgery. The dispute between the parties arose in respect of the inherited properties, and the respondent No.1, being the daughter of the deceased Muhammad Siddique, claims her share in the suit properties; hence, the suit.

3. The petitioners contested the suit along with the application under Order XXXIX Rule 1 and 2, read with section 151 CPC on legal as well as factual grounds by filing their written statements.

4. The trial Court, after hearing arguments of the parties, declined the injunctive relief vide order dated 23.01.2025.

5. The respondent No.1, feeling disgruntled, filed Civil Appeal No. 04 of 2025 before the appellate court, which was allowed

vide impugned order dated 17-04-2025, hence this Civil Revision Petition.

6. I have heard the learned counsels for the parties and perused the available record with their able assistance.

7. Perusal of record reveals that respondent No.1 along with the suit, filed an application under Order XXXIX Rule 1 & 2 CPC for a temporary injunction, which was rejected by the trial Court vide order dated 23.01.2025, against which respondent No.1 filed an appeal before the appellate court and the same was allowed vide impugned order dated 17.04.2025. It is relevant to mention here that during the pendency of the instant petition, the statutory period of the order passed by the appellate court as prescribed in Rule 2-B of Order XXXIX, CPC, had expired. During arguments, learned counsel for the petitioners was confronted with the maintainability of the instant petition, he frankly conceded the facts. However, learned counsel for respondent No.1 stated that he intends to file an application under Order XXXIX Rule (2-B) CPC for the extension of the earlier stay order granted by the appellate court. Be that as it may, before parting with this legal proposition, it would be appropriate to reproduce the relevant provision, i.e. XXXIX Rule (2-B) CPC, which reads as follows:-

*"The order of the injunction made under rules 1 and 2 after hearing the parties or after notice to the defendant shall cease to have an effect on the expiration of six months unless*

*extended by the Court after hearing the parties again and for reasons to be recorded for such extension".*

*Provided that the report of such extension shall be submitted to the High Court.*

8. This legal question has been discussed and elaborated in the case of XEN PESCO (WAPDA) Mansehra through PESCO and other v. Gas Meters CNG Filling Station Mansehra through Khalid and other (PLD 2005 Peshawar 132). The relevant paras are reproduced as under:-

*"The lawmaker has introduced (rule 2-B) with the object to suppress the mischief of delay in the disposal of those cases in which temporary injunctions are granted. The outer limits of six months, i.e., the terminus provided for the initial order of injunction is with the object to place an embargo on the powers of the Courts granting a temporary injunction in pending cases for an indefinite period so to ensure the speedy disposal of such cases. Additionally, the amendments introduced were with the view that the beneficiary of it may not misuse the same by protracting the litigation a fact judicially noticed by the Courts in the past" .....*

*"The proviso to rule (2-B) has further laid emphasis that copy of the order extending temporary injunction shall be submitted to the High Court which is a further check on the discretionary powers of the subordinate Courts. Again the aim and object behind it is that District Courts shall decide those cases in which temporary injunctions are granted as quickly as possible. After the enactment of rule (2-B) the extension of a temporary injunction is no more a*

*matter of routine and it cannot be done in the old fashion. The court while extending the same shall have to record sound reasons and a copy of the same is to be essentially sent to the High Court for information. The absolute discretion earlier vested in the said Courts has thus been taken away" .....*

*"The word "extension" has been issued by the lawmaker in Rule (2-B) with a definite object to which no different meaning widening its scope can be given because such a construction would certainly defeat the very purpose for the achievement of which the said rule was enacted. The manifest intention behind the same is that the granting temporary injunction for an indefinite period as was done in the past has been done away and by now it is to be regulated by periodical extension so that tendency of granting a temporary injunction in a routine manner for an unlimited period without deciding the main case is to be curbed/suppressed. The change has introduced a new system of dispensation of quick justice with a proper discipline to be maintained by the subordinate Courts while granting and extending, temporary injunction".*

9. In view of the above, after the enactment of Rule (2-B) of Order XXXIX CPC, the impugned order passed by the learned Majlis-e-Shoora, Kachi at Dhadar has completed its statutory period until and unless extended by the trial court after due process of law.

For the above reasons, the impugned order dated 17.04.2025 passed by learned Majlis-e-Shoora, Kachi at Dhadar has spent its statutory period; resultantly, Civil Revision Petition No(s).29 of 2025 has become infructuous, which is dismissed accordingly,

however, the trial court is directed to decide the application under Order XXXIX Rule (2-B) CPC for the extension of earlier stay (if filed), strictly in accordance with the law.

Announced in open Court:  
Quetta, on 29<sup>th</sup> November, 2025.

Judge

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