Partition of Joint Property under Pakistani Law

Order XX Rule 18 C.P.C., the Partition Act, 1893 and Section 135 of the Land Revenue Act, 1967 (1994–2026)

Adv. Syed Zeshan Hashmi, Advocate High Court, The Arbitrator & Law Associates, Peshawar

Abstract

This paper examines 36 reported judgments on partition of joint property — 15 of the Supreme Court of Pakistan, 13 of the Peshawar High Court and 8 of the other High Courts (Lahore, Sindh, Islamabad and Balochistan), decided between 1994 and 2026 — collected on the Pakistan Law Site. It covers the co-sharer's possession, the choice between the civil court and the revenue officer, the parties to a partition suit, partial partition, private partition and family settlement, the preliminary and final decrees, sale where the property cannot be divided, and the limits of the Ombudsperson's powers. The main finding is that every co-sharer is in possession of every inch until partition (2020 SCMR 352; PLD 2025 Peshawar 227), that a preliminary decree which does not state the shares of the parties cannot stand (2026 SCMR 941), and that the Peshawar High Court prefers removal of technical defects to dismissal of a partition suit (2025 YLR 1928).

Keywords: partition; co-sharer; joint property; Order XX Rule 18; preliminary decree; final decree; private partition; family settlement; Partition Act 1893; section 135 Land Revenue Act; shamilat; Ombudsperson; Peshawar High Court; Supreme Court of Pakistan.

1. Introduction

Partition suits in Khyber Pakhtunkhwa usually arise between brothers and sisters over inherited houses and land. The practical questions are these. Where does a co-sharer go for partition — the civil court or the revenue officer? Who must be made a party? Can a co-sharer seek partition of one house only? Is a private partition binding? What must the preliminary decree contain, and what happens at the final stage? What if the property cannot be divided? And can the Ombudsperson for women's property order partition? The answers are drawn first from the reported judgments of the Supreme Court of Pakistan and the Peshawar High Court, and then from the important judgments of the other High Courts.

2. Sources and Method

All research was done on the Pakistan Law Site only. Keyword searches (partition, co-sharer, preliminary decree, Order XX Rule 18, private partition, section 135, shamilat) were run over all years. Priority was given to the Supreme Court and the Peshawar High Court; important judgments of the other High Courts (Lahore, Sindh, Islamabad and Balochistan) were then added. All results were screened for an actual holding on partition or the rights of co-sharers. For all 36 judgments kept, the reported text was opened on the site to take the bench, case number and date and to check the headnote against the operative part; where they differed, the operative part was followed. Every proposition in Parts 3 to 5 is taken from one or more of these judgments and carries its citation.

3. The Law in Phases

3.1 The co-sharer's possession

A co-sharer is deemed to be in possession of every inch of the estate until it is partitioned according to shares (2020 SCMR 352). Every co-sharer is legally deemed to be in possession of his undivided share, and may value that share tentatively in the plaint for the purpose of jurisdiction (2015 SCMR 1691). No co-sharer can set up adverse possession against the others without first partitioning the property and taking possession of his share (1995 SCMR 482). A co-sharer in possession of land in excess of his share is not an encroacher, and the only way to oust him from the excess is partition (PLD 2025 Peshawar 227). A sale by one co-sharer in a joint khewat is always subject to partition (1996 SCMR 710). A heavy burden lies on anyone who claims that a female heir parted with her inherited share (2020 SCMR 352).

3.2 Remedies of a dispossessed co-sharer

A co-sharer in possession who is dispossessed by another co-sharer may sue for partition or under section 9 of the Specific Relief Act, 1877 (2009 SCMR 688). A complaint under the Illegal Dispossession Act, 2005 by a co-sharer whose share had not been demarcated, while a partition suit was at the final-decree stage, was held misconceived (2026 YLR 2114). Co-sharers who claimed specific portions under a private partition could not obtain injunction and possession against other co-sharers in respect of un-partitioned land (2023 MLD 733).

3.3 Civil court or revenue officer

Jurisdiction to partition agricultural land assessed to revenue lies with the revenue court under section 135 of the Land Revenue Act, 1967, and a civil court decree granting such relief is a nullity (2012 SCMR 695). For agricultural property the mechanism is section 135 read with paragraph 18 of the Land Record Manual, and for property outside that Act a claimant goes to the civil court under section 9, C.P.C. (PLD 2025 Peshawar 1). Shamilat land recorded as ghair mumkin abadi is outside the Land

Revenue Act and falls within the civil court's jurisdiction (PLD 2025 Peshawar 103). Where the revenue record has not been prepared under the Act, the civil courts are competent to deal with the land (PLD 2022 Peshawar 147). A suit for specific performance of a private partition agreement over agricultural land was held to belong to the revenue hierarchy, and the plaint was rightly rejected (2023 CLC 690). Where intricate questions of title arise between owners and vendees in the column of cultivation, the civil court must decide them, and a vendee in that column cannot himself sue for partition among the owners (2025 CLC 691).

3.4 Parties

Non-joinder of a party does not by itself defeat a suit, but where a private partition of 1960 was in issue, the remaining heirs, including daughters and the widow, and the revenue officials had to be impleaded (2020 SCMR 291). In a suit concerning shamilat, the entire proprietary body of the village must be impleaded, and the High Court remitted the matter to allow their impleadment (PLD 2025 Peshawar 103). A revenue officer receiving a partition application must issue notice to the co-sharers; an application could not be dismissed for non-impleadment when the officer had not done so (2023 CLC 1882).

3.5 The whole estate, not a selected part

A party seeking partition is not at liberty to choose the more valuable portions of the joint holding and leave out the rest (2026 SCMR 941). In that case a suit for one house out of an estate of four houses, without determining the shares of all co-sharers, was not sustainable (2026 SCMR 941). The Peshawar High Court has held that a suit for partial partition should not be dismissed on that technical ground, and allowed the plaintiff to remove the defect by bringing in the entire property and all necessary parties (2025 YLR 1928). A suit for partition of part of a holding was upheld where an unregistered private partition deed, looked at for collateral purposes, showed that the disputed hujra had remained common (1999 SCMR 2182).

3.6 Private partition and family settlement

A family settlement admitted by the defendants' attorney binds the parties and their heirs, and the revenue officials cannot sanction a mutation contrary to it (2022 SCMR 1532). A co-sharer in possession as "hissadar" under a family arrangement remains entitled to regular partition of his share (1997 SCMR 1282). A private partition strengthened by mutation and followed by exclusive possession was binding, and the co-sharer who received the land later acquired was entitled to its compensation (PLD 2025 Peshawar 155).

3.7 The preliminary decree

Under Order XX, Rule 18, C.P.C., the preliminary decree declares the rights of the parties, and the final decree effects the actual division after inquiry (2026 SCMR 941). A preliminary decree that does

not specify the shares of the parties suffers from a material irregularity; the Supreme Court set aside the decrees of three courts and remitted the suit for fresh decision (2026 SCMR 941). A plaintiff who claimed the whole property as his own, without a relinquishment by the other heirs, could not defeat the preliminary decree (2005 SCMR 1821). A party whose rights as alleged mortgagee were the subject of his own separate suit was not aggrieved by the preliminary decree (2001 SCMR 1988).

3.8 The final decree

Objections to the local commission's report must be decided before a final decree is passed; the Supreme Court maintained the remand and directed the civil judge to finalise the matter within six months (2014 SCMR 151). A defendant who did not challenge the preliminary decree, and allowed the final decree to be passed ex parte, failed to have it set aside (2022 YLR 944).

3.9 Sale when division is not possible

Where the parties admitted that the property could not be partitioned, the trial court's order directing its Nazir to sell it by public bids, with the parties free to bid and their shares in the proceeds to be determined on evidence, was upheld (2011 SCMR 302).

3.10 Limits of the Ombudsperson

The Ombudsperson under the Khyber Pakhtunkhwa Enforcement of Women's Property Rights Act, 2019 has no jurisdiction to direct partition of joint property or to deliver exclusive possession out of un-partitioned land (2026 CLC 1159). Partition of agricultural land lies before the revenue officer and of other property before the civil court, and the Ombudsperson must refer intricate questions of title and shares to the civil court (2026 CLC 1159; PLD 2025 Peshawar 1).

3.11 The other High Courts

Once a preliminary decree is passed in a partition suit, the plaintiff's right to withdraw the suit was examined by the Islamabad High Court, which allowed the withdrawal under Order XXIII, Rule 1 (2025 CLC 1070 Islamabad). The same Court set aside the refusal of mesne profits against a co-sharer who retained part of the property after the preliminary decree (2023 CLC 895 Islamabad). The Lahore High Court held that internal auction under the Punjab Partition of Immovable Property Act, 2012 in the absence of co-sharers violated due process, and directed fresh proceedings with notice to all co-owners (2025 CLC 813 Lahore). It also held that an attached undivided property cannot be auctioned without first identifying the co-sharers' shares (PLD 2026 Lahore 501), and that a co-owner in a joint khewat may be impleaded in a suit for specific performance concerning un-partitioned land (PLD 2023 Lahore 503). The Sindh High Court upheld a daughter's decree for partition of her inherited share where the brothers relied on an unregistered agreement to sell never enforced in time (2026 CLC 463 Sindh). The Balochistan High Court directed that the preliminary decree be drawn under Order XX,

Rule 18(2) (2024 CLC 295 Balochistan), and refused an amendment of a partition plaint that was not specified with exactitude (PLD 2025 Balochistan 113).

4. Where the Authorities Conflict or Leave a Gap

4.1 Partial partition. The Supreme Court holds a suit confined to a selected portion of the estate unsustainable (2026 SCMR 941), while the Peshawar High Court allows the defect to be cured by amendment rather than dismissal (2025 YLR 1928), and the Supreme Court has upheld partition of a part shown to have remained joint after a private partition (1999 SCMR 2182). The three are consistent if the test is whether the rest of the estate has already been divided, but no judgment collected states the test in those terms.

4.2 Ombudsperson and the revenue officer. 2026 CLC 1159 denies the Ombudsperson power to direct partition; whether the Ombudsperson may refer a case directly to the revenue officer under section 135, rather than to the civil court, is not decided in the judgments collected.

4.3 Excess possession. PLD 2025 Peshawar 227 protects a co-sharer in excess possession against encroachment proceedings; no Supreme Court judgment in this collection addresses mesne profits for the excess pending partition.

5. Practical Guide

5.1 For the co-sharer seeking partition

- **Choose the forum by the nature of the land:** revenue officer under section 135 for assessed agricultural land, civil court for houses, abadi and unrecorded land (2012 SCMR 695; PLD 2025 Peshawar 1; PLD 2025 Peshawar 103).
- **Bring in the whole estate and every co-sharer,** including female heirs and, where a private partition is alleged, the revenue officials (2026 SCMR 941; 2020 SCMR 291).
- **Insist on a preliminary decree that states every share** (2026 SCMR 941).
- **If dispossessed, sue under section 9 within time or seek partition** (2009 SCMR 688).

5.2 For the co-sharer resisting partition

- **Prove any private partition or family settlement** by admission, mutation and exclusive possession (2022 SCMR 1532; PLD 2025 Peshawar 155).
- **Challenge the preliminary decree when it is passed;** later objections may be too late (2022 YLR 944).
- **Do not plead adverse possession against co-sharers** before partition (1995 SCMR 482).

5.3 For the female co-sharer

- **Put the relinquishment to strict proof** (2020 SCMR 352).
- **Use the Ombudsperson for restoration of access, but go to the civil court or revenue officer for partition** (2026 CLC 1159).

6. Conclusion

Every co-sharer owns and possesses every inch until partition (2020 SCMR 352). Partition is sought before the revenue officer or the civil court according to the nature of the land (2012 SCMR 695; PLD 2025 Peshawar 1), with every co-sharer joined and the whole estate brought in (2026 SCMR 941; 2020 SCMR 291). The preliminary decree must state the shares (2026 SCMR 941), objections to the commission must be decided before the final decree (2014 SCMR 151), and where division is impossible the court may sell (2011 SCMR 302).

Annexure A — The Judgments in Question and Answer Form

All 36 judgments relied on, Supreme Court first, then the Peshawar High Court and then the other High Courts, newest first within each court. Each entry gives the citation, parties, bench, case number and date of decision as reported on the Pakistan Law Site, followed by the question decided and the answer. Every entry was checked against the full reported text.

Supreme Court

1. 2026 SCMR 941 — Shahbaz Khan v. Dowlat Khan

Before: Jamal Khan Mandokhail, Shahid Waheed and Muhammad Shafi Siddiqui, JJ; C.P.L.A. No. 281-P of 2012, decided 19 February 2026

Q. Can a preliminary decree stand if it does not state the shares, and can one heir sue for partition of only one house of the estate?

A. No to both. Decrees of the three courts below set aside and the suit remitted for fresh decision. Appeal allowed.

2. 2022 SCMR 1532 — Muhammad Akbar v. Province of Punjab

Before: Ijaz ul Ahsan and Sajjad Ali Shah, JJ; Civil Petition No. 715 of 2018, decided 17 November 2021

Q. Is a family settlement admitted by the defendants' attorney binding?

A. Yes; it binds the parties and their heirs, and no contrary mutation can be sanctioned. Leave refused.

3. 2020 SCMR 352 — Shabla v. Ms. Jahan Afroz Khilat

Before: Mushir Alam and Qazi Muhammad Amin Ahmed, JJ; Civil Appeals Nos. 1520 to 1522 of 2016, decided 13 November 2019

Q. Who must prove that a female heir parted with her share, and what is a co-sharer's possession?

A. The beneficiary carries a heavy burden; a co-sharer is in possession of every inch until partition. Appeals dismissed.

4. 2020 SCMR 291 — Mian Zafar Ali v. Mian Khursheed Ali

Before: Mushir Alam and Faisal Arab, JJ; Civil Appeal No. 185-L of 2015, decided 20 December 2019

Q. Must all heirs and the revenue officials be joined where a private partition is in issue?

A. Yes. Case remanded for their impleadment, fresh written statements and issues.

5. 2015 SCMR 1691 — Zafeer Gul v. Dr. Riaz Ali

Before: Anwar Zaheer Jamali, Dost Muhammad Khan and Umar Ata Bandial, JJ; Civil Appeals Nos. 1194 to 1197 of 2014, decided 25 May 2015

Q. How is a partition suit valued for jurisdiction and appeal?

A. By the plaintiff's tentative valuation of his share, subject to final determination by the court. Appeals dismissed.

6. 2014 SCMR 151 — Muhammad Ramzan v. Mst. Aisha

Before: Mian Saqib Nisar and Ejaz Afzal Khan, JJ; Civil Appeal No. 1138 of 2013, decided 21 October 2013

Q. Can a final decree be passed without deciding objections to the commission's report?

A. No. The remand was maintained and the civil judge directed to finalise within six months. Appeal dismissed.

7. 2012 SCMR 695 — Qamar Sultan v. Mst. Bibi Sufaidan

Before: Ejaz Afzal Khan and Muhammad Athar Saeed, JJ; Civil Petition No. 1131 of 2010, decided 2 March 2012

Q. Can a civil court partition agricultural land?

A. No; section 135 gives jurisdiction to the revenue court, and a civil decree is a nullity. Leave refused.

8. 2011 SCMR 302 — Mumtaz Ahmad Khan v. Mrs. Siraj

Before: Iftikhar Muhammad Chaudhry, CJ, Ch. Ijaz Ahmed and Ghulam Rabbani, JJ; Civil Appeal No. 46-K of 2009, decided 12 March 2010

Q. What if the property cannot be partitioned?

A. It may be sold by public bids through the Nazir, shares in the proceeds to be determined on evidence. Appeal dismissed.

9. 2009 SCMR 688 — Contractor Haji Muhammad Alam v. Shaukat Sultan

Before: Ijaz-ul-Hassan Khan, Muhammad Qaim Jan Khan and Syed Zawwar Hussain Jaffery, JJ; Civil Petition No. 1167 of 2008, decided 11 February 2009

Q. What remedies has a co-sharer dispossessed by another co-sharer?

A. Partition or a suit under section 9 of the Specific Relief Act. Petition dismissed as time-barred and without merit.

10. 2005 SCMR 1821 — Abdul Waheed v. Pervez Akhtar

Before: Iftikhar Muhammad Chaudhry and Faqir Muhammad Khokhar, JJ; Civil Petition No. 2069-L of 1999, decided 8 July 2004

Q. Can an heir resist a preliminary decree by claiming the estate as exclusively his?

A. Not without proving it, for example by a relinquishment of the other heirs. Leave refused.

11. 2001 SCMR 1988 — Hussain Bakhsh v. Abdul Samee

Before: Munir A. Sheikh and Tanvir Ahmed Khan, JJ; C.P.L.A. No. 680-L of 1999, decided 19 December 2000

Q. Is a party with a separate pending suit aggrieved by a preliminary decree?

A. No; his rights are safeguarded by his own suit. Leave refused.

12. 1999 SCMR 2182 — Jehanzeb v. Muhammad Abbas

Before: Muhammad Bashir Jehangiri, Nasir Aslam Zahid and Mamoon Kazi, JJ; Civil Appeal No. 799 of 1994, decided 2 July 1999

Q. Can part of a joint holding be partitioned?

A. Yes, where an unregistered private partition deed, used collaterally, shows that part remained common. Appeal dismissed.

13. 1997 SCMR 1282 — Isam Gul v. Mir Khan

Before: Fazal Ilahi Khan and Muhammad Bashir Khan Jehangiri, JJ; Civil Petition No. 284-P of 1995, decided 23 April 1997

Q. Does a family arrangement of possession bar regular partition?

A. No; it is always subject to regular partition. Leave refused.

14. 1996 SCMR 710 — Kalsoom Malik v. Assistant Commissioner

Before: Ajmal Mian, Fazal Ilahi Khan and Mukhtar Ahmad Junejo, JJ; Review Petitions Nos. 186-L and 193-L of 1991, decided 31 January 1996

Q. What does the buyer from one co-sharer acquire?

A. A share always subject to partition. Review petitions dismissed by majority.

15. 1995 SCMR 482 — Maqbool Ahmad v. Munir Ahmad

Before: Ajmal Mian and Wali Muhammad Khan, JJ; Civil Petition No. 498-L of 1993, decided 8 May 1994

Q. Can a co-sharer claim adverse possession against other co-sharers?

A. No, not before partition; co-sharers are in joint possession. Leave refused.

Peshawar High Court

16. 2026 CLC 1159 — Ali Asghar v. Mst. Farkhanda Rani

Before: Muhammad Naeem Anwar, J; R.F.A. No. 327-P of 2024, decided 31 October 2025

Q. Can the Ombudsperson for women's property direct partition or deliver exclusive possession of joint property?

A. No. Partition lies before the revenue officer or civil court, and directions to the Deputy Commissioner to partition were without jurisdiction.

17. 2026 YLR 2114 — Asad Ullah Malik v. Malik Basharat Ullah (Abbottabad Bench)

Before: Sadiq Ali, J; Criminal Appeal No. 91-A of 2023, decided 19 September 2025

Q. Can a co-sharer whose share is undemarcated complain of illegal dispossession while a partition suit is pending?

A. No; the complaint was misconceived. Appeal dismissed.

18. PLD 2025 Peshawar 227 — Provincial Government v. Malik Qasim Khan

Before: Muhammad Naeem Anwar and Fazal Subhan, JJ; Writ Petition No. 6625-P of 2018, decided 10 April 2025

Q. Is a co-sharer in excess possession of joint land an encroacher?

A. No; he can be ousted only by partition. Petition dismissed.

19. 2025 YLR 1928 — Syed Amjid Ali Shah v. Sar Biland

Before: S M Attique Shah, J; Civil Revisions Nos. 618-P and 620-P of 2018, decided 2 December 2024

Q. Should a partition suit be dismissed for partial partition or non-joinder?

A. No; the plaintiff must be allowed to remove the defects. Matter remitted to the trial court.

20. PLD 2025 Peshawar 155 — Sultan-ul-Arifeen v. Mst. Musarrat Shaheen (Abbottabad Bench)

Before: Muhammad Faheem Wali, J; R.F.A. No. 39-A of 2019, decided 10 October 2024

Q. Is a private partition followed by mutation and exclusive possession binding?

A. Yes; the co-sharer allotted the acquired land takes its compensation. Appeal dismissed.

21. 2025 CLC 691 — Ayub Khan v. Mst. Imrania

Before: Muhammad Naeem Anwar, J; C.R. No. 417-P of 2016, decided 30 July 2024

Q. Can a vendee in the column of cultivation seek partition, and who decides complicated title questions?

A. He cannot sue for partition among the owners; the civil court must decide the title questions. Revision allowed; suit to proceed with all vendees joined.

22. PLD 2025 Peshawar 103 — Muhammad Ashiq Khan v. Muhammad Daud

Before: S M Attique Shah, J; Writ Petition No. 575-P of 2020, decided 27 May 2024

Q. Which court decides a claim to shamilat recorded as ghair mumkin abadi?

A. The civil court, with the whole proprietary body impleaded. Petition allowed and matter remitted.

23. 2023 CLC 1882 — Fazal Hadi v. Shah Nazar Khan

Before: Muhammad Ijaz Khan, J; Writ Petition No. 2048-P of 2007, decided 7 February 2023

Q. Can a partition application be dismissed for non-impleadment when the revenue officer issued no notices?

A. No. The officer was directed to proceed and conclude within six months. Petition allowed.

24. 2023 MLD 733 — Zamurad Khan v. Ghulam Rabani (Abbottabad Bench)

Before: Kamran Hayat Miankhel, J; Civil Revision No. 63-A of 2021, decided 15 November 2022

Q. Can co-sharers sue other co-sharers for injunction and possession of un-partitioned land on a private partition?

A. No; the concurrent rejection of the plaint was upheld. Revision dismissed.

25. PLD 2025 Peshawar 1 — Mst. Falak Shehnaz v. Mst. Farah Deeba

Before: Syed Arshad Ali, J; F.A.O. No. 144-P of 2021, decided 9 December 2022

Q. Where does a woman co-owner go for partition?

A. To the revenue officer under section 135 for assessed agricultural land, and to the civil court for other property; the Ombudsperson may restore possession only where title is clear and the opponent is not a co-owner.

26. 2023 CLC 690 — Lajbar Khan v. Kamin Khan (Mingora Bench)

Before: Muhammad Ijaz Khan, J; Civil Revision No. 54-M of 2022, decided 16 June 2022

Q. Can a civil suit for specific performance of a private partition of agricultural land proceed?

A. No; the revenue hierarchy has jurisdiction. Revision dismissed in limine.

27. PLD 2022 Peshawar 147 — Mian Shehzada Jan v. Muhammad Israr (Mingora Bench)

Before: Wiqar Ahmad, J; Writ Petition No. 827-M of 2020 and connected petitions

Q. Who decides disputes over land whose revenue record has not been prepared?

A. The civil courts. Writ petition dismissed.

28. 2022 YLR 944 — Mst. Reshma v. Mst. Shabana

Before: Muhammad Naeem Anwar, J; Civil Revision No. 382-P of 2020, decided 17 November 2020

Q. Can a defendant who never challenged the preliminary decree set aside the ex parte final decree?

A. No. Revision dismissed.

Other High Courts

29. PLD 2026 Lahore 501 — Ghulam Abbas v. Muhammad Ijaz

Before: Muhammad Jawad Zafar, J; Criminal Miscellaneous No. 27723-M of 2025, decided 24 September 2025

Q. Can an attached undivided property be auctioned without identifying the co-sharers' shares?

A. No. The auction orders were declared without legal effect. Petition allowed.

30. 2025 CLC 813 — Naseem Bibi v. Imran Qayyum (Lahore)

Before: Jawad Hassan, J; Writ Petition No. 57227 of 2024, heard 29 October 2024

Q. Can internal auction under the Punjab Partition Act proceed without the co-sharers?

A. No; fresh proceedings with notice to all co-owners were directed. Petition allowed.

31. PLD 2023 Lahore 503 — Muhammad Yousaf v. Additional District Judge, Ferozewala

Before: Muhammad Sajid Mehmood Sethi, J; Writ Petition No. 30112 of 2021, heard 5 October 2021

Q. May a co-owner in a joint khewat be impleaded in a suit for specific performance of un-partitioned land?

A. Yes. Trial court's order restored; petition allowed.

32. 2026 CLC 463 — Mst. Shahjahan Lashari v. Mst. Farah Lashari (Sindh, Larkana Bench)

Before: Ali Haider 'Ada', J; Civil Revision No. S-116 of 2021, decided 11 September 2025

Q. Can a daughter's inheritance share be defeated by an unregistered agreement to sell not enforced in time?

A. No. Decree for partition upheld; revision dismissed.

33. 2025 CLC 1070 — Farhat Nazir v. Fawad Ahmad (Islamabad)

Before: Khadim Hussain Soomro, J; Civil Revision No. 24 of 2025, decided 13 March 2025

Q. May a partition suit be withdrawn after a preliminary decree?

A. Yes, on the facts; the suit was dismissed as withdrawn. Revision allowed.

34. 2023 CLC 895 — Syed Ali Asim Jaffari v. Qamar Abbas (Islamabad)

Before: Babar Sattar, J; Civil Revision No. 67 of 2021, decided 31 August 2022

Q. Is a co-sharer who retains part of the property after the preliminary decree liable for mesne profits?

A. Yes. Revision allowed with costs.

35. 2024 CLC 295 — Aftab Ashraf v. Khursheed Ashraf (Balochistan)

Before: Gul Hassan Tareen, J; Civil Revision No. 294 of 2020, decided 22 November 2022

Q. What follows a concurrent decree for partition where the defendant delayed the trial?

A. The preliminary decree sheet to be drawn under Order XX, Rule 18(2), with costs. Revision dismissed.

36. PLD 2025 Balochistan 113 — Saeed Ahmed v. Bibi Khourd

Before: Zaheer ud Din Kakar and Iqbal Ahmed Kasi, JJ; Constitution Petition No. 110 of 2023, decided 25 March 2024

Q. Must an amendment of a partition plaint be specified with exactitude?

A. Yes. Petition dismissed.