THE HIGH COURT OF SINDH, CIRCUIT COURT AT HYDERABAD

Civil Revision Application No.S-133 of 2021

Applicant:	Akram through Mr. Abdul Rashid Mughal, Advocate.
Respondents No.1&2:	Vakeel Muhammad and another through Mr. Muhammad Suleman Unar, Advocate.
Respondent No.5:	Mst. Bilqees through Mr. Ali Raza, Advocate.
Respondents No.3,4,6&7:	Not represented.
Respondents No.8to10:	Province of Sindh & others through Mr. Wali Muhammad Jamari, Assistant Advocate General, Sindh.
Date of hearing:	26.10.2026 and 13.11.2026.
Date of Judgment:	20.11.2026.

O R D E R

MUHAMMAD HUMAYON KHAN, J. –This order will dispose of C.M.A. No.1701 of 2022 filed by the Applicant under s. 114 read with s. 151 of the CPC seeking the review of this Court's Order dated 25.04.2022 whereby this civil revision has been dismissed.

2. The Respondents Nos.1 and 2 had filed F.C. Suit No. 29 of 2004 (Old No. 152 of 2004) for declaration, permanent injunction and cancellation. The dispute was in relation to House No.G/33, Liaqat Colony, Hyderabad. The Respondents Nos.1 and 2 challenged a Will Deed allegedly executed by their father, Muhammad Yousaf, in favour of the Applicant on the grounds of fraud and being contrary to the Muhammadan Law. The suit was dismissed and against the dismissal Civil Appeal No.156 of 2013 was filed which came up before the learned Additional District Judge-V, Hyderabad, and was allowed by Judgment dated 31.07.2013 and Decree dated 07.08.2013 and consequently the suit was decreed. Against the Judgment and Decree of the learned first Appellate Court, the Applicant filed this civil revision application under s. 115 of the CPC which was dismissed by Order dated 25.04.2022 by his Lordship Zulfiqar Ahmed Khan J (as he

then was). The Applicant has now filed C.M.A. No.1701 of 2022 seeking review of the Order dated 25.04.2022. The application has been contested by the Respondents Nos.1 and 2 by filing their objections along with an affidavit.

3. A review is limited to the three grounds canvassed in r. 1 of O. XLVII of the CPC, namely (i) discovery of new and important evidence which, after exercise of due diligence, was not within the knowledge of the party or could not be produced by the party at the time when the decree was passed or order made, (ii) some mistake or error apparent on the face of the record, or (iii) any other sufficient reason. These circumstances have been exhaustively interpreted by the Supreme Court and this Court in a number of cases and the following important principles can be extracted:

i) A review is not the equivalent of appeal or revision and lies on narrow grounds in limited circumstances only. A review cannot be used to reopen the case on merits. *Majid Mahmood v Muhammad Shafi* 2008 SCMR 554.

ii) The error pointed out in review must be self-evident and floating on the surface and must not require any elaborate or difficult line of reasoning to decide. *Daewoo Corporation v Zila Council, Jhang and 2 others* 2004 SCMR 1213.

iii) Failure to consider material statutory provision or principle of law affecting the outcome of the case may amount to error apparent on the face of the record. *Land Acquisition Officer and Assistant Commissioner, Hyderabad v Gul Muhammad through Legal Heirs* PLD 2005 SC 311 and *Faqir Muhammad Khan v Mir Akbar Shah* PLD 1973 SC 110.

iv) Failure to consider material question of fact or law may also entitle party to review if the would alter the outcome of the case.

v) Findings rendered consciously by the Court cannot be reopened in review simply because another view is possible. *Government of Balochistan through Secretary*

Energy Department, Quetta and another v Muhammad Yasir 2025 SCMR 367.

vi) In *Justice Qazi Faez Isa and others v President of Pakistan and others* PLD 2022 SC 119 (para 44), the full Supreme Court has observed that the third ground under r. 1 of O. XLVII ("any other sufficient reason") is to be read *ejusdem generis* in the context of the first two grounds in the said rule. Consequently, there is no unbridled or unrestricted power of review under the third ground either.

vii) Simply because there is a material irregularity in the judgment or order under review, a review would not lie. However, if the material irregularity is of such a nature as to converting the process from being one in aid of justice to a process of injustice, review would lie. *Muhammad Bachal and 6 others v Province of Sindh through Secretary, Revenue Department and 7 others* 2018 CLC 1268 (Sindh; DB; para 12).

4. I have gone through the grounds of the review application as also the Order under review in the context of these principles. The review application agitates grounds of fact which require weighing of evidence and are not apparent on the face of the record. It has been stated that the Court has not appreciated the evidence nor it gave opportunity to the Applicant to produce law in support of his arguments, however, these grounds are vague and no further explanation has been provided for the same. It has been stated that the case was decided in a hasty manner, but on my perusal of the Order dated 25.04.2022 the same appears to be a speaking order which has been passed well within the revisional jurisdiction of this Court. Similarly, it has been stated that fraud was not proved by the Respondents Nos.1 and 2; that the fact of possession was not considered; and that the issue of the death of the father of the parties has not been proved. All these grounds have been addressed in the Order and moreover cannot be gone into without detailed sifting of the evidence, an exercise of which this Court does not retain the jurisdiction under s. 114 read with r. 1 of O. XLVII of the CPC. In my view, the Applicant through the remedy of review has attempted to

seek a rehearing of the revision which is not possible. No grounds for review have been made out.

5. For these reasons, this application is without merit and is therefore dismissed. There shall be no order as to costs.

J U D G E

APPROVED FOR REPORTING

Abdullahchanna/PS