

ORDER SHEET
**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**

C.P No.S-403 of 2023

C.P No.S-405 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGE

10.03.2026

Mr. Ghulam Sarwar Qureshi, advocate for respondent(s)

These petitions were disposed of by a common order dated 08.03.2024, passed by the learned Single Bench. Subsequently, the respondent(s) filed applications seeking review of the said order along with stay applications. In terms of Rule 5, Chapter III-B, Volume-V of the High Court Rules and Orders, such applications arising out of an order passed by a Single Judge in constitutional jurisdiction are required to be placed before a Division Bench, and accordingly, the matters have been listed before us.

Learned counsel for the respondent/applicant was heard at considerable length. His principal contention is that the petitions were not maintainable as they assailed interlocutory orders of the learned Rent Controller. He further argued that, under the rent agreement, the petitioner-Trust was entitled to enhance the rent only by ten percent, whereas the enhancement was made at twenty-five percent, which, according to him, was excessive and contrary to the contractual stipulations. On this premise, he seeks a review of the order passed by the learned Single Judge.

We have carefully examined the order dated 08.03.2024 and the grounds urged in the review applications. The jurisprudence governing the scope of review is well settled. Review is not an appeal in disguise nor a mechanism to re-argue the matter already adjudicated. The power of review is confined to the correction of an error apparent on the face of the record, the rectification of a patent mistake, or the consideration of new and material evidence that could not have been produced earlier despite due diligence. The Supreme Court, in a catena of judgments, has consistently held that review jurisdiction is narrow, exceptional and cannot be invoked to reopen or re-examine issues already deliberated upon by the Court. The Court cannot undertake a fresh appraisal of the evidence or revisit findings merely because a party is dissatisfied with the outcome.

When the impugned order is examined in the light of these principles, it becomes evident that all the arguments now advanced by learned counsel for the respondent were duly considered and addressed by the learned Single Judge at the time of deciding the main petitions. The question of maintainability, the nature of

the interlocutory orders and the contractual stipulations relating to rent enhancement were all thoroughly discussed in the original judgment. The review applications do not point out any error apparent on the face of the record, nor do they demonstrate any misreading or non-reading of material evidence. No jurisdictional defect has been shown, nor has any new or important evidence been brought to our notice which could justify reopening the matter.

The respondent/applicant seeks a rehearing under the guise of review, which is impermissible. The scope of review cannot be stretched to permit a second round of arguments on issues already adjudicated. Learned Single Judge has given cogent reasons for the conclusions reached, and we find no infirmity, legal or factual, warranting interference in review.

Since the review applications themselves are devoid of merit, the stay applications, being ancillary, do not survive and must meet the same fate.

For the foregoing reasons, the listed applications in both petitions are not maintainable and are accordingly **dismissed**.

JUDGE

JUDGE