HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Civil Revision Application No.90 of 2013

Present: Justice Jawad Akbar Sarwana

Applicant No.1.	:	Qadir Bux s/o Allah Rakhio,
Applicant No.2.	:	Wahid Bux s/o Allah Rakhio (deceased), through his legal representatives: (a) Mst. Fatima — Widow (b) Imtiaz — Son (c) Aijaz — Son (d) Mushtaque — Son (e) Nisar — Son (f) Mst. Shamsun Nisa — Daughter (g) Mst. Qamarun Nisa — Daughter (h) Mst. Fakhrun Nisa — Daughter Nemo.
		v.
Respondent No.1	:	Province of Sindh, through Secretary, Board of Revenue, Hyderabad.
Respondent No.2	:	Taluka Mukhtiarkar, Hala.
Respondent No.3	:	Sub-Registrar, Hala. through Mr. Wali Muhammad Jamari, Assistant Advocate General, Sindh.
Respondent No.4	:	Mst. Nooran w/o Fateh Khan, through Mr. Abdul Malik Shaikh, Advocate
Respondent No.5	:	Mst. Hani widow of Haji Ranjho Rind. Nemo.
Dates of hearing & Short Order	:	21.10.2025, 29.10.2025, 13.11.2025 24.11.2025
Date of reasons	:	24.10.2026

O R D E R

JAWAD AKBAR SARWANA, J.: Applicants/defendants Qadir Bux s/o Allah Rakhio (defendant no.5) and, his brother Wahid Bux s/o Allah Rakhio (deceased)(defendant no.6) through his legal representatives, are aggrieved by the judgment and decree dated 23.02.2013 passed by the learned District Judge, Matiari ("the appellate Court"), in Civil Appeal No. 25 of 2012 (old civil appeal no.200 of 2012), whereby the appeal filed by the above-mentioned applicants/defendants

(hereinafter referred to as “Allah Rakhio brothers” and/or “applicants/defendant nos.5&6”, interchangeably, as the case may be) against the judgment and decree dated 24.05.2012 passed by the learned 2nd Senior Civil Judge, Hyderabad (“the trial Court”), in F.C. Suit No. 37 of 2009 was dismissed. Earlier, the trial Court had decreed the suit filed by respondent No. 4/plaintiff, Mst. Nooran, wife of Fateh Khan, for declaration, cancellation of sale deed, correction of revenue entries and permanent injunction. The applicants/defendant Nos. 5 & 6 have challenged the concurrent findings of the two Courts below by way of this revision under Section 115, C.P.C.

2. The record reflects that the applicants/defendant nos.5&6, including the legal heirs of applicant no.2/defendant no.6 last appeared before this Court on 01.12.2023. Thereafter, despite repeated opportunities, including on 23.08.2024, 21.10.2025, 29.10.2025, 13.11.2025 and 24.11.2025, neither the applicants nor their regular counsel appeared to argue the revision. On 29.10.2025, an advocate holding brief sought an adjournment on account of counsel's illness. Despite further indulgence and express warnings of dismissal, the applicants failed to prosecute the matter. Accordingly, as the matter could not be adjourned indefinitely, this bench heard the matter with the assistance of learned counsel for the respondent No. 4/plaintiff-Mst. Nooran, the AAG, and the documents on record.

3. Briefly, the controversy concerns agricultural land originally owned by Ranjo Khan, who transferred his share to his wife, Mst. Hani (respondent No.5/defendant No. 4). The respondent No.4/plaintiff-Mst. Nooran claimed that Mst. Hani subsequently gifted her share to the plaintiff, after which the relevant revenue entries were recorded, and possession was delivered. Following the destruction of revenue records during the disturbances of December 2007, the name of Mst. Hani was mistakenly or mala fide re-inserted in the reconstructed record, contrary to the ground reality and history. Be that as it may, the newly restored record enabled her to execute a subsequent sale deed

in favour of defendants Nos. 5 and 6. Accordingly, the respondent No.4/plaintiff-Mst. Nooran challenged the subsequent transaction on the ground that Mst. Hani had already divested herself of ownership.

4. The trial Court, while examining the evidence, particularly the testimony of Mst. Hani (Exh. 67), found that she had admitted during cross-examination that she had gifted the land to her daughters, Mst. Nooran and Mst. Hajran, who were in possession thereof. More importantly, she admitted that when the disputed 20 ghuntas were subsequently transferred to Qadir Bux, she was no longer the owner of the property. These admissions went to the root of the controversy and materially supported the respondent no.4/plaintiff's claim of ownership and possession. Accordingly, the trial Court found that the subsequent revenue entries and sale deed could not defeat the rights already transferred to the plaintiff.

5. The findings recorded by the trial Court were based upon the documentary evidence and, significantly, the admissions of respondent no.5/defendant No. 4-Mst. Hani w/o Haji Ranjho, herself. The applicants have failed to demonstrate any jurisdictional defect, material irregularity or illegality warranting interference under section 115, C.P.C. The revisional jurisdiction of this Court is not intended to provide a further opportunity for reappraisal of evidence merely because a different conclusion may be possible.

6. For the foregoing reasons, no case for interference with the concurrent findings of the Courts below is made out, and I dismissed Civil Revision Application No. 90 of 2013 through short order dated 24.11.2025. The above are my reasons for the said Short Order.

7. The revision application stands dismissed in the above terms.

JUDGE

AHSAN K. ABRO