HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Civil Revision Application No.S-347 of 2024

[*Abdul Rasheed v. Sakhawat Ali Raza and 08 others*]

Applicant	:	Abdul Rasheed s/o Naseeb Khan, Through Mr.Hassan Qaiser, Advocate
Respondents No.1	:	Sakhawat Ali Raza s/o Imdad Ali Through Mehboob Ali Laghari, Advocate
Respondents No.2 to 9 by	:	Mr.Harish Chander, Assistant A.G Sindh
Dates of Hearing	:	**14.04.2026 & 04.05.2026**
Date of Decision	:	**21.05.2026**

O R D E R

ARBAB ALI HAKRO J:- The present Civil Revision Application is directed against the judgment and decree dated 29.05.2024, passed by the learned 2nd Senior Civil Judge, Mirpurkhas (**"Trial Court"**) in F.C. Suit No.248 of 2022, whereby the suit instituted by respondent No.1 was decreed. The said judgment and decree, when assailed through Civil Appeal No.46 of 2024, came to be maintained by the learned District Judge, Mirpurkhas ("**Appellate Court"**) vide judgment and decree dated 12.09.2024. Being dissatisfied with the concurrent findings of the courts below, the applicant has invoked the revisional jurisdiction of this Court under Section 115, C.P.C.

2. The factual substratum, as emerging from the pleadings and record, reveals that respondent No.1 instituted F.C. Suit No.248 of 2022, seeking declaration and permanent injunction in respect of agricultural land comprising Survey No.156 (8-11 acres) and Survey No.157, situated in *Deh 281, Tapo Gorchani, Taluka Kot Ghulam Muhammad, District Mirpurkhas. It was asserted in the plaint that Survey No.156 consisted of 6-30 acres of ancestral Qabooli land and 1-21 acres of Government land and that after

partition within the family, respondent No.1 received 07-00 acres, including 06-30 acres from S.No.156 and 00-08 acres from S.No.157, as reflected in the revenue entries and reports of the Mukhtiarkar and Assistant Commissioner. It was further averred that although 01-21 acres of S.No.156 had been granted to the grandfather of the present applicant, the applicant was unlawfully asserting dominion over the entire road-facing portion of S.No.156, contrary to the revenue demarcation.

3. The plaint further disclosed that in the year 2017, the Mukhtiarkar initiated partition proceedings by issuing notice to the applicant, but the process remained inconclusive. Respondent No.1 thereafter filed F.C. Suit No.59 of 2020, which was withdrawn upon the trial court's observation that the matter be resolved before the competent revenue forum. The Assistant Commissioner and Mukhtiarkar subsequently confirmed that the road-facing frontage of S.No.156 measured 305 feet, out of which 248 feet pertained to respondent No.1 as the major shareholder, while 57 feet fell to the share of the applicant. Respondent No.1 also disclosed that he had earlier filed and withdrawn F.C. Suit No.152 of 2017 and that a contempt application filed in F.C. Suit No.59 of 2020 was dismissed for want of a pending lis. Allegations of harassment and threats by the applicant, allegedly in collusion with local police officials, were also made, prompting respondent No. 1 to seek declaratory and injunctive relief.

4. The applicant, arrayed as defendant No.1, filed a written statement wherein he controverted the assertions of respondent No.1 and maintained that the latter was already in possession of 06-37 acres, whereas the remaining portion of the suit land had fallen to the applicant's share through a lawful partition conducted by the competent revenue authority. It was pleaded that respondent No.1 was in the habit of instituting successive suits on the same subject matter merely to protract the matter and exert pressure. It was further asserted that no cause of action had accrued to respondent No.1, that the suit was misconceived and not maintainable and that the

applicant was the lawful owner and possessor of 01-20 acres situated on the road-facing side of S.No.156, where he had constructed a hotel. The applicant also relied upon the partition order dated 08.11.2012, the colour map and various revenue documents to assert that respondent No.1's land was situated on the rear side of the survey number, whereas the applicant's land was located on the front side abutting the road.

5. Upon completion of pleadings, the Trial Court framed issues on 15.12.2023, primarily relating to the maintainability of the suit, the ownership of the road-facing frontage, the rights of the applicant and the entitlement of respondent No.1 to the reliefs sought. Respondent No.1 examined himself and produced Form-VII-B entries, reports of the Assistant Commissioner and Mukhtiarkar and the map of Deh 281. He also examined two witnesses, including an official witness who produced the relevant revenue entries and correspondence. The applicant examined the Mukhtiarkar as his official witness, who produced the order dated 08.11.2012, the sketch of Deh 281, and related documents. The applicant also examined himself and produced copies of earlier suits, maps and orders passed by various authorities, including the Public Grievance Redressal Cell.

6. After evaluating the evidence adduced by both sides, the Trial Court vide judgment dated 29.05.2024, decreed the suit of respondent No.1. The Trial Court held that respondent No.1 had successfully established his entitlement to 248 feet of the road-facing portion of S.No.156, as per the reports of the revenue authorities and that the applicant had failed to substantiate his claim of exclusive ownership over the said frontage.

7. The applicant challenged the said judgment and decree through Civil Appeal No.46 of 2024, before the appellate Court, which, after hearing the parties and re-appraising the material on record, dismissed the appeal vide judgment dated 12.09.2024, thereby affirming the findings of the Trial Court. The appellate Court held that the trial court had correctly appreciated the

evidence and that no misreading or non-reading of evidence had been demonstrated.

8. Aggrieved by the concurrent findings of the courts below, the applicant has filed the present Civil Revision Application.

9. Learned counsel for the applicant contended that the concurrent findings of the courts below suffer from manifest misreading and non-reading of material evidence, since the applicant had produced the entire corpus of revenue documents, including the partition order dated 08.11.2012, the colour-coded map and the Mukhtiarkar's correspondence, all of which unequivocally demonstrated that respondent No.1's land lies on the rear side of Survey No.156, whereas the applicant is the lawful owner and possessor of 01-20 acres abutting the road, where he has constructed a hotel and remained in uninterrupted possession since 1966. It was urged that respondent No.1 has repeatedly instituted and withdrawn suits on the same subject-matter, merely to harass the applicant and to manoeuvre the revenue authorities into preparing a manipulated proposal map, which stands contradicted by the official record and by the reply of the Assistant Commissioner before the Public Grievance Redressal Cell, wherein it was categorically stated that both parties are full-rupee owners of their respective, distinct parcels and that no question of partition arises. Learned counsel submitted that the impugned judgments are perverse, contrary to the settled principles governing the appreciation of evidence and have resulted in a grave miscarriage of justice, warranting interference in revisional jurisdiction.

10. Conversely, learned counsel for respondent No.1 supported the impugned judgments and submitted that the respondent's entitlement to 248 feet of the road-facing frontage of Survey No.156 stands conclusively established through the Form-VII-B entries, the Mukhtiarkar's report, the Assistant Commissioner's verification and the demarcation sketch of Deh 281, all of which were duly exhibited and remained unshaken in cross-examination. It was argued that the applicant has persistently

attempted to encroach upon the entire road-facing area despite having no lawful claim thereto and that his reliance on the 2012 order is misconceived, as the said order neither confers exclusive rights upon him nor negates the respondent's recorded share. Learned counsel submitted that the applicant's allegations of manipulation, collusion or mala fides are wholly unsubstantiated and that the courts below, upon meticulous appraisal of the evidence, rightly decreed the suit and maintained the respondent's lawful possession and title. It was thus prayed that the revision, being devoid of merit, be dismissed.

11. Learned Assistant A.G. Sindh adopted a neutral yet supportive stance towards the impugned judgments, submitting that the revenue record produced by both sides was duly examined by the courts below and that the findings are based on proper appreciation of the official demarcation, revenue entries and the reports of the Mukhtiarkar and Assistant Commissioner. It was argued that no jurisdictional defect, material irregularity or illegality has been demonstrated to justify interference under Section 115 C.P.C, particularly when the matter essentially turns on concurrent findings of fact. Learned Law Officer submitted that the applicant has failed to point out any perversity or violation of law in the impugned judgments and therefore the revision does not merit indulgence.

12. Heard and perused the record.

13. The applicant has invoked the revisional jurisdiction of this Court under Section 115 C.P.C, to assail the concurrent judgments and decrees whereby the Trial Court decreed the suit of respondent No.1 and the appeal there against was dismissed by the appellate Court. As emerges from the memo of revision, the principal grievance is that both courts below allegedly misread and ignored material documentary evidence, particularly the partition order dated 08.11.2012 and the colour map and thereby wrongly upheld respondent No.1’s claim to the road-facing frontage of Survey No.156. The

applicant, therefore, seeks reversal of the concurrent findings on the premise that they are perverse and have resulted in a miscarriage of justice.

14. Before advertence to the factual controversy, it is apposite to recall the settled contours of revisional jurisdiction under Section 115 C.P.C. The jurisdiction of this Court is supervisory and corrective, not appellate; it is invoked where the subordinate court has exercised a jurisdiction not vested in it by law, failed to exercise a jurisdiction so vested, or acted in the exercise of its jurisdiction illegally or with material irregularity. The Supreme Court has consistently held that concurrent findings may be interfered with only where they are shown to violate the law or are founded on misreading or non-reading of evidence or so perverse as to occasion a failure of justice; otherwise, the High Court cannot re-appraise evidence as if sitting in appeal. In a recent pronouncement, it has been reiterated that, even in revision, the High Court may correct jurisdictional errors and perverse conclusions, but the scope remains confined to misreading, non-reading, jurisdictional error, or illegality materially affecting the result. It does not extend to a mere substitution of its own view on facts for that of the courts below.

15. Turning to the factual matrix, the averments of plaint show that respondent No.1 founded his claim on the revenue record and the demarcation carried out by the revenue authorities. It is specifically pleaded that the suit pertains to agricultural land bearing S.No.156 (08-11 acres) and S.No.157 Deh 281, Tapo Gorchani, Taluka Kot Ghulam Muhammad, District Mirpurkhas; that S.No.156 comprises 06-30 acres of ancestral Qabooli land and 01-21 acres of Government land; and that after partition respondent No.1 received 07-00 acres, including 06-30 acres from S.No.156 and 00-08 acres from S.No.157, as recorded by the revenue officials. The plaint further avers that the Assistant Commissioner and the Mukhtiarkar confirmed the area of S. No: 156 comprising 305 feet along the roadside, out of which 248 feet were allocated to the Plaintiff as having a major share and 57 feet to the Defendant No: 1 and that the applicant is unlawfully attempting to appropriate

the entire road-facing area contrary to this demarcation. These averments are not merely bald assertions; they are supported by the revenue documents produced in evidence.

16. The written statement of the applicant (defendant No.1) does not dispute the existence of the revenue proceedings; rather, it seeks to place a different construction upon them. The applicant's stance is that respondent No.1 is already in possession of 06-37 acres and that the remaining area of the suit land came to the applicant by way of partition; that the partition was carried out in 2012 by the competent authority, and that respondent No.1 is in the habit of filing successive suits to prolong the matter and exert pressure. The applicant relies heavily on the order dated 08.11.2012 passed by the Assistant Commissioner, the colour map filed in earlier proceedings, and the reply of the Assistant Commissioner before the Public Grievance Redressal Cell, wherein it is stated that each party is a full-rupee owner of his respective land and that both parcels are separate, hence no question of partition arises. On this basis, the applicant asserts exclusive entitlement to 01-20 acres on the road-facing side of S.No.156, where he claims to have constructed a hotel and to be in possession since 1966.

17. The record of evidence, as summarised, shows that respondent No.1 examined himself and produced Form-VII-B entries, the Mukhtiarkar's report, the Assistant Commissioner's letter and the map of Deh 281. The official witness Nanji Mal, examined as PW-2, produced the authority letter, Entry No.17 of Form-VII-B in respect of S.Nos.156 and 157, Entry No.45 of Book-VII-B in respect of S.No.156, letter No.666 dated 30.11.2021 of the Mukhtiarkar regarding sub-division of S.No.156, the plaintiff's application to the Mukhtiarkar, the Assistant Commissioner's letter calling for report regarding partition and the Mukhtiarkar's report along with the attested map of Deh 281. The trial court, as reflected in the impugned judgment, treated these documents as corroborative of the plaintiff's plea that the revenue authorities had apportioned the road-facing frontage of 305 feet by allocating

248 feet to respondent No.1 and 57 feet to the applicant and that the applicant's claim to the entire frontage was inconsistent with the official demarcation.

18. On the other hand, the applicant examined the Mukhtiarkar Nazeer Ahmed as DW-1, who produced his authority letter, the order dated 08.11.2012 of the Assistant Commissioner, the sketch of Deh 281 and the application of respondent No.1 addressed to the Assistant Commissioner bearing his note dated 25.09.2020. The applicant himself appeared as DW-2 and produced, inter alia, the memo of plaint of F.C. Suit No.152 of 2017, a photocopy of the report and order dated 08.11.2012, the application of the Mukhtiarkar to the Commissioner dated 25.10.2012, the compared copy of the map of Deh 281 filed in Suit No.152 of 2017, the order dated 30.09.2022 passed by the 2nd Additional Sessions Judge, Mirpurkhas, the reply of the Public Grievance Redressal Cell dated 03.02.2022, and the reply of the Mukhtiarkar to the Deputy Commissioner in the said inquiry. The applicant's case is that these documents, read together, show that respondent No.1's land lies on the back side and that the applicant's land lies on the front side and that the latter "proposal map" relied upon by respondent No.1 is a manipulated document prepared in collusion with revenue officials.

19. The core question for this Court is whether the applicant has succeeded in demonstrating that the courts below misread or ignored any material piece of evidence or committed a jurisdictional error or illegality of such magnitude as to warrant interference in revision. A careful reading of the pleadings and the evidence, as summarised in the impugned judgments and in the revision itself, does not reveal any such misreading or non-reading. The trial Court was cognizant of the 2012 order and the earlier map; it simply preferred, on reasons recorded, the later demarcation and the revenue entries which specifically quantified the road-facing frontage and apportioned it between the parties. The appellate court revisited this appreciation and endorsed it. This is a classic instance of concurrent findings

on a pure question of fact, namely, the location and extent of each party's share on the road-facing frontage of S.No.156, founded on documentary revenue evidence and oral testimony.

20. The applicant's principal argument is that the reply of the Assistant Commissioner before the Public Grievance Redressal Cell, stating that each party is a full-rupee owner of his land and that both parcels are separate, necessarily excludes any concept of partition or apportionment of frontage. However, that reply, read in context, merely affirms that each party's share is already defined and that there is no occasion for a fresh partition of the holding as an undivided unit; it does not, by itself, negate the possibility that the revenue authorities, in implementing and demarcating those shares on the ground, may have allocated specific portions of the frontage to each. The courts below were entitled to construe this document in harmony with the later demarcation and the Form-VII-B entries, and their doing so cannot be characterized as misreading.

21. Likewise, the applicant's reliance on long possession and construction of a hotel on the road-facing land is, at best, a factual assertion which has been weighed and not accepted as displacing the documentary revenue record. The trial Court and the appellate Court both treated the revenue entries and official demarcation as the primary indicia of title and extent. They did not find the applicant's plea of adverse or exclusive possession sufficient to override them. This approach is consistent with settled principles that in disputes over agricultural land, the revenue record and sanctioned demarcations carry considerable evidentiary weight and that mere assertions of possession, without more, cannot prevail against clear entries and official maps.

22. It is also significant that the applicant does not allege that the courts below lacked jurisdiction or that they failed to exercise jurisdiction vested in them; the complaint is confined to the manner in which they appreciated the evidence. In revisional jurisdiction, this Court cannot re-evaluate the entire evidence to reach a different factual conclusion merely because another view

is possible. Interference is justified only where the findings are shown to be perverse, based on no evidence or the result of gross misreading or non-reading of material evidence. On the record as placed before this Court, the findings of the courts below are supported by relevant documentary and oral evidence, and no specific instance has been demonstrated where a material document was wholly ignored or read in a manner contrary to its plain tenor.

23. In the light of the above discussion, I am satisfied that the impugned judgments and decrees do not suffer from any jurisdictional defect, illegality, or material irregularity in the exercise of jurisdiction, nor do they disclose any misreading or non-reading of evidence of the kind that would justify interference under Section 115, C.P.C. The applicant's endeavour is, in substance, to convert this revision into a third round of factual reappraisal, which the law does not permit.

24. For the foregoing reasons, this Civil Revision Application is devoid of merit and is accordingly **dismissed**. The concurrent judgment and decree dated 29.05.2024, passed by the Trial Court, and the judgment and decree dated 12.09.2024, passed by the appellate Court, are maintained.

JUDGE

"Saleem"