

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Civil Revision No. S-11 of 2020
(Azizullah and another v. Badaruddin and others)

&

Civil Revision No. S-28 of 2026
(Azizullah and another v. Muzafar Hussain and others)

Before:-
Mr. Justice Ali Haider 'Ada'

M/s Ghulam Dastgir Shahani & Noushad Ali Taggar, Advocates
for Applicants.

Mr. Abdul Wajid Khokhar, Advocate for Respondent No. 1-A to 1-C

Mr. Mohsin Ali Khan, Assistant Advocate General.

Date of Hearing	:	28.09.2026
Date of short Order	:	28.09.2026
Date of Reasons	:	02.10.2026

JUDGMENT

Ali Haider 'Ada' J.- The civil suit was instituted by the applicants seeking declaration, cancellation of documents, perpetual and mandatory injunction, with the principal prayer that they be declared shareholders in the property bearing City Survey No.12, situated at Soomra Mohalla, Vaggan Road, Larkana. Their case was that the property had been purchased by the plaintiffs along with Defendant No.1 in the year 1972 through a registered sale deed and that, thereafter, the property was mutated in the name of Respondent No.1, being their elder brother. However, they claimed that the utility bills in respect of the property continued to be paid by them. The suit was dismissed by the learned Senior Civil Judge-IV, Larkana (trial Court), which order was subsequently upheld by the learned Additional District Judge-V, Larkana (appellate Court).

So far as Civil Revision No.28/2026 is concerned, the respondents had instituted F.C. Suit No.336 of 2019 against the present applicants, which was decreed by the learned trial Court and the said decree was also upheld by the learned appellate Court. The respondents' claim therein was for possession of the suit property. Both the aforesaid matters have been assailed through the present civil revisions by the applicants, being aggrieved by the concurrent findings of the learned Courts below.

2. Learned counsel for the applicants submitted that the applicants are in possession of the suit property and that the utility bills relating thereto stand in their favour. He contended that Respondent No.1, Badaruddin, without ascertaining the respective shares of the parties, had the title recorded in his own name, which, according to learned counsel, does not reflect the actual entitlement of the applicants. He further submitted that the applicants have a lawful share and entitlement in the suit property.

3. On the other hand, learned counsel for the respondents submitted that although an application for production of additional evidence was moved, the same had already been dismissed by this Court in Civil Revision No.S-76 of 2023. He contended that the reports of the Mukhtiarkar and other material now sought to be relied upon constitute an attempt to improve the case of the applicants and cannot be taken into consideration, particularly when no such evidence was produced before the learned trial Court. He further submitted that the applicants have failed to establish their title through any legally admissible documentary evidence and are merely relying upon utility bills, which do not constitute documents of title. He, therefore, prayed for dismissal of the revisions and maintenance of the concurrent findings recorded by the learned Courts below.

4. Learned AAG also supports the impugned decisions passed by the learned Courts below.

5. Heard and perused the record.

6. At the very outset, the case of the applicants is founded principally upon their claim of co-ownership and the payment of utility bills. However, they have failed to produce any documentary evidence establishing their title or share in the suit property. Even from the oral evidence, no material has been brought on record sufficient to establish their prima facie entitlement. It is well settled that utility bills, by themselves, do not constitute documents of title or establish ownership in immovable property. Reliance in this regard may be placed upon **Raja Ajaib Khan v. Soofi Allah Ditta, 2002 YLR 2723, Muhammad Sharif v. Inayat Ali, 2005 YLR 364, and Mst. Rubina Badar v. Long Life Builders, 2011 CLD 1806.**

7. So far as the question of possession is concerned, the respondents had already instituted a suit for possession, which was decreed in their favour and the said decree was upheld by the learned appellate Court. The applicants, therefore, cannot seek to establish title merely on the basis of utility bills or possession, particularly when they have failed to produce any registered document or other legally recognized instrument establishing their alleged share in the property.

8. The applicants now seek to support their case through additional evidence. However, the attempt to produce such additional evidence has already been considered and declined by this Court in Civil Revision No.S-76 of 2023. The applicants cannot, therefore, be permitted to introduce new material at the revisional stage with a view to improve their case or seek a fresh appraisal of facts. The scope of revisional jurisdiction is limited, and this Court cannot undertake a fresh exercise of appreciation of evidence merely because another view may be possible.

9. The learned Courts below have concurrently recorded findings against the applicants after considering the material

available on record. No illegality, material irregularity, misreading or non-reading of evidence has been pointed out which would justify interference in the limited revisional jurisdiction of this Court.

10. For the foregoing reasons, no interference with the impugned judgments and decrees of the learned Courts below is warranted. Accordingly, both Civil Revision Applications are dismissed, and the judgments and decrees passed by the learned Courts below are maintained. These are the detailed reasons for the Short order even dated.

JUDGE