

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

R.A. No. 140 of 2009.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For katcha peshi.

02.02.2018.

Mr. Mehmood Ali Vistro, Advocate for the applicant.

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Learned counsel for the applicant contends that the learned trial Court as well as the learned appellate Court has failed to consider that neither there was any partnership between the parties nor any violation of the private Faisla as was present in the matter. No one is present on part of the respondent despite the order as passed on earlier date; as such, with the assistance of learned counsel for the applicant the record was examined, wherein he has referred to the evidence of the respondent, however, it is observed that the said Faisla (acknowledgement of payment) was never got confronted to the respondent against whom it is alleged that the amount was received on his part.

2. Be that as it may, it is observed that the stances taken by the applicant are contradictory i.e. on one hand partnership between the parties is being denied whereas no reason for the payment said to have been made is present on record. In the circumstances, nothing is shown to exercise the powers under section 115 C.P.C. Accordingly, the instant revision application stands dismissed with no orders as to costs however, in the circumstances.

JUDGE

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