

IN THE HIGH COURT OF SINDH,
Bench at Sukkur

C. P. No. D – 1466 of 2018

Fresh Case

- 1.For orders on office objection
- 2.For orders on CMA 7505/18
- 3.For hearing of main case
- 4.For orders on CMA 7506/18

Date of Hearing: **24-02-2022**

Date of Decision: **24-02-2022**

None present on behalf of the Petitioners.

ORDER

None present on behalf of the Petitioners nor any intimation is received. However, we have perused the record. Through this Petition, the Petitioners have impugned Order dated 11.06.2018, passed by Additional District Judge-IV, Khairpur in Civil Revision No.11 of 2018, through which the Order dated 06.02.2018, passed by Senior Civil Judge-II, Khairpur in Civil Suit No.20 of 2015, has been maintained and the Revision Application has been dismissed.

Record reflects that at the final stage of the arguments in the Suit after evidence, the Petitioners moved an application under Order 6 Rule 17 read with Section 151 CPC to amend the pleadings and the learned Trial Court observed that such amendments at the final stage of arguments now amounts to defeat the entire complexion of the case and stance of the Petitioners. The findings of the Trial Court are as under:

“After hearing of both the parties, I have also gone through the pleadings and Ex-parte evidence of the plaintiffs/applicant, which reveals that in-fact in the para No.3 of the plaint, it is very clearly mentioned that plaintiffs No.02 & 04 have shown purchased the said suit land through registered sale deed and in Ex-parte evidence even their attorney namely Jaro Khan Rajer have also not stated that the plaintiffs No.02 &

04 have purchased the said suit lands through oral statements and in-fact he has failed to produce the said sale deed before this Court in his Ex- parte evidence or with his plaint.

It is also crystal clear that, at the stage of final arguments the plaintiffs side wants to fill-up the gape of their lacunae, through instant application and in-fact if the application/prayer of the plaintiffs would be allowed, the nature of the suit plaint would become change and such permission could not be allowed to the plaintiffs/applicants, with which the defendants side would sustain an irreparable loss, as their case would be prejudiced.

Therefore, in view of the above mentioned facts and reasons, I am of the humble conclusion that, the plaintiffs would have liberty to get correction/amendment in their pleadings at the initial stage if they have any reasonable grounds and at present final stage of the case, their prayer does not merits consideration having no reasonable justification, consequently, the instant application is dismissed with no order as to costs”.

Perusal of aforesaid findings clearly reflects that initially the Petitioners in their Suit had pleaded that the suit property was purchased by way of a registered sale deed; whereas, matter was proceeded *ex parte* and thereafter upon failure of the Petitioners to produce the sale deed, an application for amendment was filed on the ground that in fact the property was purchased through oral statement. The finding of the Trial Court appears to be correct in law and does not require any interference and has been correctly maintained by the Revisional Court.

In view of above, this Petition being misconceived is hereby **dismissed** with pending applications.

J U D G E

J U D G E

Ahmad