

ORDER SHEET

THE HIGH COURT OF SINDH, AT KARACHI

C.P. No.D-6557 of 2019

Date

Order with signature(s) of Judge(s)

1. For hearing of Misc. No.29213/2020
2. For hearing of main case.

02.09.2020

Mr. Muhammad Ghaffar Khan Kakar, Advocate for the Petitioner.

Mr. Riaz Ahmed, Advocate holds brief for Mr. Muhammad Faheem Zia, Advocate for Respondents No.3 and 4.

This petition has been filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, challenging the order passed by the Revisional Court in Civil Revision No.28 of 2018 whereby the revision was allowed and application under Order XIII Rule 2 of Civil Procedure Code, 1908, was allowed and documents were allowed to be presented in evidence of respondents/defendants. Evidence of defendants/respondents is not yet commenced. The only question being faced by this Bench as argued, is whether Revisional Court had no jurisdiction to entertain the revision and thereby allowing the revision and aforesaid application to enable the respondents/defendants to file documents in terms of Order XIII Rule 2 of Civil Procedure Code, 1908, if reason was provided in the affidavit. Petitioner's Counsel has conceded that Revisional Court was competent to decide the revision application, however, he submits that documents were filed belatedly when evidence of petitioner has already been concluded.

We have heard the Counsel and perused the record. Petitioner still has chance to cross examine the defendants and witnesses and also to cross examine witness on each and every documents filed by the respondents/defendants. There are two

propositions, one that relates to submitting the documents and other proving of the documents. Submission of documents does not mean that it has also been proved and that may be subject to cross examination of the petitioner. The petitioner is at liberty to cross examine the defendants/respondents and witnesses on each and every documents that may be submitted/presented in evidence and trial Court shall give sufficient time to petitioner's Counsel to probe each and every documents and as desired by the petitioner and his Counsel. We did not see jurisdictional error whereby, application under Order XIII Rule 2 of Civil Procedure Code, 1908 was allowed on the reasoning shown in the affidavit. Hence, we dispose of this petition in the above terms. Since the trial Court is seized of the matter, we expect that evidence be concluded, preferably, within two months, as requested by the petitioner's Counsel.

Petition stands disposed of in the above terms, along with listed application(s).

J U D G E

J U D G E

*Faizan/PA**