

# IN THE HIGH COURT OF SINDH AT HYDERABAD

R.A 46 of 2023 : Mehroz vs.  
Federation of Pakistan & Others.  
For the Applicant/s : Mr. Fida Hussain Babar Advocate  
Date/s of hearing : 23.10.2023  
Date of announcement : 23.10.2023

## ORDER

**Agha Faisal, J.** 1. Granted. 2&3. The applicant preferred F.C. Suit 1464/2021 before the Court of 1st. Senior Civil Judge, Hyderabad, seeking to amend the date of birth. The said suit was dismissed vide judgment dated 29.09.2022 and the operative part is reproduced herein below:

“Since both these issues are interconnected hence, are discussed together. Burden these issues lies upon the shoulders of plaintiff in order to discharge his burden he stepped into witness he produced relevant documents. During cross examination of plaintiff he admitted that “It is correct to suggest that my admission form for SSC part II bears my date of birth as 10.08.2001. It is correct to suggest that admission form of SSC was filled and signed by me. It is correct to suggest that my admission form mentions affidavit with the words that “all the entries made in the annual form are correct”. Hence, the Board and College acted upon the statement of plaintiff acceptance same as true and correct. Hence, these issues are answered as negative.”

Civil Appeal 247 of 2022 was then filed in respect of the aforesaid judgment, however, the same was dismissed vide judgment dated 30.11.2022. After exhaustive deliberation, the learned appellate Court was pleased to hold that the appellant had failed to prove his case, hence, the trial Court judgment was upheld and the appeal dismissed.

The present revision assails the concurrent findings rendered and the entire case of the applicant is that the evidence was not appreciated in its proper perspective, hence, the exercise be conducted afresh.

The judgments have clearly appreciated the facts and concluded as aforesaid. The original judgment as well as judgment in appeal appear to have considered the record and the law and no infirmity in respect thereof has been identified to this Court. It is settled law that in the presence of concurrent findings, coupled with preponderance of claim supported by evidence, a revisional court ought not to interfere even if another view was possible. Reappraisal of evidence was even otherwise undesirable in

revisional proceedings<sup>1</sup>. It is imperative to denote that the present proceedings are revisionary and not yet another stage of appeal.

This Court has considered the contentions of the applicant and has noted the inability to cite a single ground based upon which the jurisdiction of this Court could be exercised under section 115 of Code of Civil Procedure. There is no suggestion that the impugned judgments are either an exercise without jurisdiction or a failure to exercise jurisdiction or an act in exercise of jurisdiction illegally or with any material irregularity. It is trite law<sup>2</sup> that where the fora of subordinate jurisdiction had exercised its discretion in one way and that discretion had been judicially exercised on sound principles the supervisory forum would not interfere with that discretion, unless same was contrary to law or usage having the force of law. It is the considered view of this court that no manifest illegality has been identified in the judgments impugned and further that no defect has been pointed out in so far as the exercise of jurisdiction is concerned of the subordinate fora.

It is the considered view of this court that the applicant has remained unable to demonstrate any infirmity with the impugned judgments, meriting interference in revision under Section 115 C.P.C, therefore, this revision is hereby dismissed *in limine*.

JUDGE

---

<sup>1</sup> 2011 SCMR 758; 2007 SCMR 236; 2006 SCMR 5; 2006 SCMR 1304.

<sup>2</sup> Per *Faqir Muhammad Khokhar J.* in *Naheed Nusrat Hashmi vs. Secretary Education (Elementary) Punjab* reported as *PLD 2006 Supreme Court 1124*; *Naseer Ahmed Siddiqui vs. Aftab Alam* reported as *PLD 2013 Supreme Court 323*.