

Order Sheet  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
C.P. No.S-597 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objections on reverse of MA 2014/2023 (if overruled)
2. For orders on MA 2014/2023 (Review Application)
3. For orders on M.A. 2015 of 2023 (Stay)

18.12.2023

Mr. Jamil Ahmed Khanzada advocate holds brief for counsel for applicant/petitioner.

This petition was dismissed vide order dated 25.10.2023 and the said order is reproduced herein below:

“25.10.2023

Mr. Abdul Shakoor Keerio advocate for petitioner.

This petition was dismissed for non-prosecution on 06.03.2023. A restoration application was filed and the same is hereby allowed; petition restored. Learned counsel is directed to argue the petition.

It is articulated that this petition assails the concurrent findings rendered by the trial Court and the learned appellate Court in the family jurisdiction. A suit for recovery of dower amount, maintenance and dowry articles was filed against the petitioner and the same was decreed on 12.11.2020. The petitioner filed an appeal against there and the same was also dismissed by the VI-Additional District Judge, Hyderabad vide judgment dated 23.09.2021. After exhausting the statutory remedial hierarchy, the writ jurisdiction of this Court was invoked.

It is the crux of the learned counsel's submissions that the evidence was not properly appreciated by the respective forums and the payment that he claims to have made was neither recognized by the trial Court nor subsequently the appellate Court. The present jurisdiction is revisionary and not appellate, however, notwithstanding the same the learned counsel remained unable to substantiate his assertion from the record. It is observed that he could not demonstrate that the respective judgments could not have been rested on the rationale cited.

The matter has been conclusively determined and per statute, finality is attached to the appellate order referred to supra. This petition *prima facie* unjustifiably assails the concurrent findings of the statutory hierarchy in the writ jurisdiction of this Court; however, the same has been disapproved by the Supreme Court in *Hamad Hasan*<sup>1</sup> and earlier similar views were also expounded in *Arif Fareed*<sup>2</sup>. Therefore, in *mutatis mutandis* application of the reasoning and ratio illumined, this petition is found to be misconceived, hence, dismissed with listed application.”

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<sup>1</sup> Per Ayesha A. Malik J in *M. Hamad Hassan vs. Mst. Isma Bukhari & Others* reported as 2023 SCMR 1434.

<sup>2</sup> Per Amin ud Din Ahmed J in yet to be reported judgment dated 06.12.2022 delivered in *Arif Fareed vs. Bibi Sara & Others* (Civil Petition No.5601 of 2021).

Present application seeks a review of the said order, however, learned counsel present is unable to articulate any ground in support thereof. As an indulgence, the review application itself is perused and it is prima facie apparent that it seeks to re-agitate the grounds already considered prior to rendering of the order dated 25.10.2023.

The office objections denote that the review application itself is *barred by limitation* and devoid of court fee as well. Learned counsel neither controverted the said objections nor endeavored to articulate any justification in such regard.

The jurisdiction of this Court in review proceedings is limited to the ambit of Section 114 read with Order 47 CPC. The entire thrust of the arguments advanced by the counsel was directed towards merits of an already dismissed case and there was absolutely no effort to identify any mistake or error apparent on the face of the record or any other sufficient reason justifying a review of the Order.

This Court has duly appraised the contents of the present application and the arguments advanced by the counsel and is of the considered opinion that no grounds for review have been made out. The applicant has not demonstrated the discovery of any new and important matter which could not have been addressed earlier; has failed to identify any mistake apparent on the face of record; and finally no reason has been advanced to justify the review of the Order. It is thus the considered view of this Court that this application is devoid of merit, hence, the same is hereby dismissed *in limine*, along with listed application.

Judge