

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Civil Revision No.S-53 of 2017

*Ghulam Abbas*

v.

*Asad Ali and others*

Applicant : Ghulam Abbas son of Dost Muhammad Kalhoro through Mr. Irfan Badar Abbasi, Advocate.

Respondent No.1. : Asad Ali son of Abdullah Channa.

Respondent No.2. : S.H.O. P.S. Waleed, Larkana

Respondent No.3 : S.S.P. Larkana.

Respondent No.4. : Province of Sindh through Home Secretary, Sindh, Secretariat Karachi, Sindh through Mr. Abdul Hamid Bhurgri, Additional Advocate General, Sindh.

Date of Order : 15.01.2024

Date of Reasons : 16.01.2024

**J U D G M E N T**

JAWAD AKBAR SARWANA, J.: The Applicant (“Ghulam Abbas s/o Dost Muhammad Kalhoro” / “Ghulam Abbas”) has filed this Civil Revision No.53 of 2017 under Section 115 CPC aggrieved by the IVth Additional District & Sessions Judge Larkana (the “Appellate Court”) impugned Judgment dated 28.10.2017 in Civil Appeal No.78/2017 and the IIInd Senior Civil Judge, Larkana (the “Trial Court”) impugned Judgment and Decree dated 26.05.2017 in F.C. Suit No.66/2017 filed by Ghulam Abbas. Ghulam Abbas could not prove his case on the trial side, and his appeal against the aforementioned Judgment and Decree was also dismissed.

2. The brief facts of the Civil Revision based on the information available in the revision file is that allegedly Ghulam Abbas obtained a loan, apparently based on personal need, from the Respondent, Asad Ali s/o Abdullah. Ghulam claims that he re-paid the loan to

Asad Ali. When I asked the learned Counsel for Ghulam Ali to show from the record available in the revision file when and how the loan was repaid, he conceded none was available on record. He claims that Asad Ali continued to harass him for the loan's recovery and allegedly extracted further payments from him. Accordingly, he filed a suit for Settlement of Account and Permanent Injunction, in which the suit went undefended, and after Ghulam Ali recorded his evidence and arguments were heard, it was dismissed. In appeal, Asad Ali entered an appearance and vehemently denied Ghulam Ali's claim. Once again, the Appellate Court rejected Ghulam Ali's claims, as set out in his appeal against the impugned Judgment and Decree.

3. The Applicant's placed nothing on record to show that Asad Ali advanced any loan, and Ghulam Ali made any repayments to him.

4. I have heard the learned Counsels and perused the record.

5. The Revision filed by Ghulam Ali is frivolous and liable to be dismissed. Ghulam Ali has miserably failed to prove his claim. The trial court has rightly observed that the Applicant has no case. No legal grounds or special circumstances have been made out to set aside the judgment and decree of the trial court. Even otherwise, no case was made out by Ghulam Abbas before the Appellate Court. The learned Appellate Court has not fallen into any error while passing the impugned judgment. This Court was minded to impose costs on Ghulam Ali and his Counsel but chose not to do so.

6. In view of the above discussion, the impugned judgment and decree do not suffer from any illegality or material irregularity which calls for any interference. Accordingly, this Revision is dismissed.

J U D G E