

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT**  
**HYDERABAD**

**R.A No.241 of 2023**

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
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1. For hearing of CMA-1813/2023
2. For hearing of main case.

Date of Hearing : 17.05.2024

Mr. Muhammad Arshad S. Pathan and Safdar Hussain Leghari,  
Advocates for Applicant.

Mr. Mumtaz Alam Leghari, Advocate for Respondent No.1.

**ORDER**

**YOUSUF ALI SAYEED, J.-** The Applicants have invoked the revisional jurisdiction of this Court under Section 115 CPC, impugning the Order dated 15.05.2023 made by the District Judge / Civil Appellate Court, Tando Allahyar, dismissing Civil Miscellaneous Appeal No. 01 of 2023 filed by them against the Order made by the 2<sup>nd</sup> Senior Civil Judge, Tando Allahyar on 23.11.2022 in F.C Suit No.77 of 2022, so as to allow an application submitted by the Respondent No.1 in his capacity as the defendant, seeking verification of the specimen signatures of the Attorney on the Power of Attorney and Vakalatnama submitted in the case.

2. A perusal of the matter reflects that the plea of verification was predicated on the assertion that the Power of Attorney was earlier blank, inasmuch as it did not contain the specimen signature of the Attorney, which was later endorsed thereon as well as on a photocopy thereof. In the counter affidavit filed in the matter this contention was accepted, stating that there was no requirement for a specimen signature at all and that verification was thus of no relevance.

3. Even otherwise, learned Counsel for the Applicant argued that the capacity of the Attorney had not been questioned by the principals and the Attorney had represented them throughout the course of underlying proceedings, where the evidence had already been recorded and the matter was at the stage of final arguments. He invited attention to the impugned Order so as to point out that the forum below had determined that there was no real need for such verification, but nonetheless ordered the same for satisfaction of Counsel appearing on behalf of the Respondent No.1. The relevant excerpt of the Order dated 13.11.2022 reads as follows:-

*“Heard both counsels at length and perused the material available on record it reveals to undersigned that it is the claim of the learned counsel of the respondent No.1 that earlier signature was not available on copy of the power of attorney and vakalatnama while there is no one who noticed such thing earlier and alone the defendant No.1 is claiming that signature has been made later after filing the documents in court, moreover, when the attorney himself admitted that signature was put signed by him on the documents just after printing/copy, but prior filing documents in the court then it’s out of use to get verify the same signature present over such documents when is genuineness is not under doubt, especially when there is no other witness, except the applicant, but as far as satisfaction of the learned counsel defendant No.1 is concerned, let the verification be made to the extent that how much old the signatures are on the documents i.e. power of attorney and vakalatnama is, therefore, let letter be issued to forensic/fingerexpert for opinion that ho much old the signatures are present on copy of power of attorney and vakalatnama. Order accordingly.”*

4. Thereafter, the Appellate forum also appears to have approached the matter in mechanical manner while holding that there would be no harm if the signatures were submitted for verification to an expert.

5. Under the given circumstances, it appears that both the Orders are irregular, in as much as the underlying purpose of any judicial process ought to be so as to advance the cause of the

proceedings towards taking the matter to a logical conclusion, rather than simply embarking on a process that serves no such purpose. Indeed, on query posed to Counsel for the Respondent No.1 as to what purpose was sought to be achieved through undertaking the exercise of verification under the given circumstances, no cogent response was forthcoming.

6. It is for the foregoing reasons that the Revision was allowed vide an Order dictated in open Court upon culmination of the hearing on 17.05.2024, with the underlying Orders dated 23.11.2022 and 15.05.2023 being set aside.

JUDGE

Shahid