

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA.

Civil Revision No. S- 06 of 2020.

Date	Order with signature of Hon'ble Judge
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1. For orders on office objection as flag A.
2. For hearing of main case.

06.08.2020.

None present for the Applicant.

This Civil Revision has been filed by the applicant against judgment dated 10.10.2019 passed by the 4th Additional District Judge, Larkana, in Civil Appeal No.34 of 2019 through which judgment dated 02.02.2019 passed by 2nd Senior Civil Judge, Larkana, in F.C Suit No.15 of 2018, dismissing the Suit of the Applicant has been maintained.

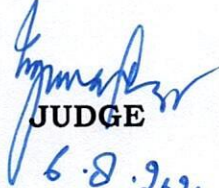
No body is in attendance on behalf of applicant and same was the position on the last date of hearing.

I have gone through the record and perused the judgment of the trial Court as well as the Appellate Court.

Plaintiff's case before trial Court was by way of a suit for specific performance of agreement dated 06.8.2014 in respect of some land leased out in auction by the Respondents (Pakistan Railway) for a period of two years. It is an admitted position that the suit for specific performance was filed by the Plaintiff in the year 2018; and even if the learned trial Court had come to the conclusion that the plaintiff's case ought to be decreed, it could not have been done so and no useful purpose would have been served as the period

of lease, as per plaintiff's own case, was two years. The open auction was only for a limited, specified period and not beyond that. It is also a matter of record that in fact, the Plaintiff was offered to take possession of the land so auctioned; but he declined to do so and was claiming some other or additional land; however, never approached the Court for such relief until the very agreement period, on the basis of which the entire case was set up, had lapsed.

The relief of specific performance, otherwise being discretionary, in the given facts and circumstances of the case, could not have been granted by the trial Court after lapse of the agreed period of lease. The Plaintiff ought to have approached the Court as soon as the possession of his claimed land was purportedly refused. In these circumstances, I am of the view that the applicant has failed to make out a case for exercising any discretion as the Court(s) below have appreciated the facts and law correctly by passing well-reasoned judgment(s); hence, no case for exercise of jurisdiction vested in this Court under section 115 CPC is made out, therefore, this civil revision being misconceived is hereby dismissed in limine with pending applications, if any.


JUDGE
6.8.2020