

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Civil Revn. Appln. No.S-35 of 2014.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
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11.8.2014.

1. For orders on office objection.
2. For orders on C.M.A. No.114/2014.
3. For orders on C.M.A. No.101/2014.
4. For orders on C.M.A. No.102/2014.
5. For orders on C.M.A. No.103/2014.
6. For Katcha Peshi.

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Mr. Nisar Ahmed G. Abro, advocate for the applicant.

This revision application has been filed against the concurrent findings of two Courts below. A suit apparently was filed for declaration and Permanent Injunction that on the basis of some registered power of attorney executed by respondent No.10 in favour of respondent No.12 some agreement of sale was executed and sale consideration has been paid and one respondent/plaintiff in the suit claimed to be in possession.

Before entering into such question of facts, the petitioner was asked to satisfy the Court as to whether this revision application is maintainable as being barred by limitation, since the limitation for filing of revision application as prescribed under the law is 90 days. Today, learned Counsel has filed a medical certificate dated 27.4.2014 to show that the petitioner was under some treatment of a doctor. Such certificate hardly demonstrates that the petitioner was unable to carry out his daily routine work or to file the instant revision application. This certificate is also devoid of any fact that he was unable to consult such matters with the advocate at the relevant time. It appears that this revision application has been filed on 9.4.2014 and this certificate was issued on 27.4.2014 i.e. much later to the filing of this revision application, which shows that he has consulted the advocate and has filed this revision application much prior to the issuance of the instant

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certificate, which, on the fact of it, obtained in aid of the filing of the time-barred revision application and hence a procured document, as after November, 2013 he consulted the doctor in the month of April, 2014. In between these dates no advice is available. Even the merits as seen from the record appear that it is against concurrent findings of facts of two Courts below. There may or may not be a second view after reappraisal of facts/evidence, however, this Court is only limited to the scope as provided in terms of Section 115, CPC. Despite questions, as raised by this Court, the petitioner's Counsel has not been able to explain as to what jurisdictional defects are in the impugned order and the order passed by the trial Court. The statement of the respondent as appears from the pleadings is that on the basis of some registered power of attorney an agreement of sale was executed. Such questions of facts cannot be assailed within the revisional jurisdiction of this Court, which otherwise is barred by limitation. Hence, in view of the aforesaid facts and circumstances, the revision application is dismissed as being barred by time, alongwith listed applications.


JUDGE