

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Constt: Pett: No. D- 132 of 2017.

Date	Order with signature of Hon'ble Judge
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For orders on maintainability of main case.

09.10.2018.

Mr. Mazhar Ali Bhutto, advocate a/w petitioner.

Mr. Ashfaque Hussain Abro, advocate a/w
respondent No.2.

Mr. Naimatullah Bhurgri, State Counsel.

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Through listed application, the petitioner seeks review of the Order dated 29.8.2018 ("the Order") by which instant petition was dismissed while observing as under:

"In support of his contentions, the petitioner has not annexed alongwith memo of petition any document showing that he was ever allotted Quarter No.22-B in the CMC Staff Colony, Larkana. However, through a statement dated 30.12.2017, he has filed certain documents showing that one Riaz Ahmed Soomro was allotted Quarter No.22-B, while he was allotted Quarter No.23-B and in this regard he was issued a notice dated 15.01.2011 by the Principle, Chandka Medical College, Larkana for vacating the quarter on the ground that he was not an employee of CMC but occupying the residence of CMC, as such, his allotment was withdrawn. It further appears that thereafter, on 19.3.2015 the residential Quarter No.23-B was allotted to respondent No.2, who is serving as Lab. Assistant in CMC. The petitioner has not challenged both aforementioned orders. There appears no element of harassment on the part of respondents. We, therefore, dismiss this petition being devoid of merit, alongwith pending application, if any."

The petitioner had filed this petition, claiming therein that he is serving as Plumber in CMC Hospital Larkana and he was allotted Quarter No.22-B situated in CMC Staff Colony, Larkana in the year 1991, with the following relief:

- a. That this Honourable Court may graciously be pleased to direct respondent No.1 not to cause harassment to the petitioner and not to issue threats of implicating them in series of false criminal cases at the instance of respondent No.2.
- b. That further be pleased to direct the official respondents No.1 and 3 to provide protection to the lives and liberty of the petitioner in accordance with law as petitioner and his family members apprehend great danger to their lives at the hands of respondent No.2.

Learned counsel for the petitioner has argued that due to oversight it has been mentioned in the Order that one Riaz Hussain has been allotted Quarter No.22-B but actual facts are that as per annexure "B" of the petition, he was allotted Quarter No.23-B and therefore, the dispute in respect of the possession of the quarter is between one Riaz Hussain and respondent No.2 but the respondent No.2 is illegally harassing the petitioner to evict him from Quarter No.22-B.

We are afraid; the contention of learned counsel for the petitioner is not correct, as in the Order we have categorically observed that the petitioner has not annexed alongwith the memo of petition any document showing that he was even allowed Quarter No.22-B in CMC Staff Colony Larkana and even from the documents filed by him vide statement dated 30.11.2017 it appears that one Riaz Ahmed Soomro was allotted Quarter No.22-B while he (petitioner) was allotted the Quarter No.23-B and in this regard he was issued notice dated 15.1.2011 by the Principle CMC Larkana, hence the point agitated by the learned counsel for the petitioner for the review of the Order has already been decided after going through the entire record with care and caution.

It may be observed that the scope of review is very limited and a review petition can not be maintained on those points which have been decided one way or the other. It is settled proposition of law that the review can not be allowed to reopen the case for the purpose of affording rehearing of the points already resolved. In the case of Sh.Mehdi Hassan v. Province of Punjab through Member Board of Revenue and 5 others (2007 SCMR 755), Honourable Supreme Court has observed that the points already raised and considered before the Court, cannot be re-agitated in review jurisdiction which is confined to the extent of patent error or a mistake floating on the face of record which if not corrected may be perpetuate illegality and injustice. The mere fact that another view of the matter is possible or the conclusion drawn in the Order is wrong, would not be a valid ground to review the Order unless it is shown that the Court has failed to consider an important question of law.

Since the learned counsel has failed to identify the errors or mistakes floating on the surface of the order, this review application is found to be devoid of any merit and is hereby dismissed.