

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

R.A No.163 of 2016
[Naseer Khan through legal heirs & Others vs Executive Engineer Akramwah and Others.]

Applicants	Naseer Khan & Others: Through Mr. Touseef Ahmed advocate
Respondents 1to7&31	Executive Engineer Akramwah & Ors: Through Mr. Wali Muhammad Jamari AAG
Respondents 8&9	Land Manager United Energy Pakistan & another: Through Mr. Dildar Ali Khan advocate
Respondents 10to30	Masood & others: Nemo
Date of hearing	25.08.2025
Date of decision	09.10.2025

J U D G M E N T

TASNEEM SULTANA, J: The applicants/plaintiffs have preferred this Civil Revision Application under Section 115, C.P.C assailing the judgment and decree both dated 17.03.2016 rendered by the learned Additional District Judge, Matli (**Appellate Court**) in Civil Appeal No.57 of 2013, whereby the appeal was dismissed and in result whereof the judgment and decree both dated 30.03.2013 passed by the learned Senior Civil Judge, Matli (**Trial Court**) in F.C. Suit No.77 of 2010 was maintained.

2. Brief facts of the case, as narrated in the plaint of F.C Suit No.70 of 2010 filed by the applicants/plaintiffs are that suit land bearing Survey No.232 admeasuring 4-30 acres (206910 sq. feet), situated in Deh Matli, having sikni character out of an area of admeasuring 2-03 acres (90387 sq. feet) is their ancestral property and the same stood mutated in their names jointly. After transfer of the ownership of the suit property they filed application for demarcation before respondent/defendant No.4 which was accordingly carried out. Thereafter, the respondents defendants No.9 and 10 (United Energy Pakistan) encroached upon an area of 35937 sq. feet in the western side of Survey No.232 and attached with Government the Girls College Matli. They issued a legal notice to said respondents/defendants, demanded vacant possession of the suit property

alongwith mesne profit but respondent/defendant No.1 failed to respond. The applicants/plaintiffs also filed an application before respondents/defendant No.4 and 5 for issuance of sale certificate but they refused to do so and deprived them from their legal rights. The respondent/defendant No.3 issued a letter bearing No.926 dated 3.5.2010 directing defendant. No: 5 for production of applicant/plaintiff No.1 in his office, who served a notice dated 04.5.2010 upon applicant/plaintiff No.1 for his appearance before respondent/defendant No.3. The applicant/plaintiff No.1 appeared before respondent/defendant No.3, who issued threats that if the plaintiff No.1 fails to withdraw from the area, in possession of defendants No.8,10 & 11, he will cancel the ownership of the plaintiffs. In the suit they prayed as follows:-

- A) *That this Honourable court may be declare that the plaintiffs are co-shares in S. No.232 admeasuring 4-30 Acres (206910) Sq Ft Deh Matli Taluka Matli District Badin, further be declare defendants have no right, title or interest in the suit property and it may be declare that their possession over an area 90477 Sq Ft is illegal.*
- B) *That this Honourable court may be declare that letter No.EDO, R, 926 dated 3-05-2010 and notice dated 4-5-2010 issued by defendant No.5 is illegal and liable to cancelled.*
- C) *That defendant No.8,10 and 11 may be ejected from an area 35937 sq. ft. the western portion S.232 and put the plaintiffs in vacant possession.*
- D) *That defendant No.8,10,11 do pay mesne profits for a period of 3 years at the rate of Rs.20/- per Sq. Ft per annum from January 2007 to December 2009 amounting to Rs.7,18,740/- and at the same rate for future till delivery of possession.*
- E) *That defendant No.12 to 32 may be ejected from an area 54540 Ft southern and western portion of S.No.232 Deh Matli and plaintiffs put in vacate possession.*
- F) *The defendant No.12 to 32 do pay mesne profits for a period of 3 years at the rate Rs.20/- per Sq. Ft per annum from January 2007 to December 2009 and act the same rate for future till delivery of possession, the amount of means profits and the area is shown in schedule filed herewith.*
- G) *This Honourable court may be pleased to issue mandatory Injunction directed the sale defendants to issue 4 and 5 to certificate to the plaintiffs in respect f an area 1,16,523/-Sq. Ft of S.No.232 Deh Matli District Badin.*
- H) *That this Honourable may be pleased to restrain the defendant No.3,4,5 and 6 from interfering with the ownership/record of rights in respect of S.No.232 Deh Matli Taluka Matli directly or indirectly whatsoever in any manner.*

- I) This Honourable may be pleased to restrain the defendant No.8,10 11 and be 12 to 32 from changing the character of the suit property and further be restrained them from creating and charge directly or indirectly whatsoever any manner.*
- J) That this Honourable Court may be pleased to restrain the defendant No.1 from interfering with possession of the plaintiffs directly or indirectly in any manner what so ever.*
- K) That Cost of the suit be borne by the defendant.*
- L) Any other relief deems fit and proper may be granted to the plaintiffs.*

3. The defendants filed their respective statements. The official respondents/defendants in written statement(s) denied the allegations leveled by the applicants/plaintiffs and claimed that actually the suit land belongs to Irrigation Department and in the year 1952 the Land Acquisition Officer vide letter dated 28.04.1952 had requested for reservation of part area of Survey No.231 and 232 for the purpose of construction of government buildings. It is the case of official respondent/defendant No.1 that after completion of formalities and payment of compensation to the actual owners, who handed over the physical possession of acquired area, necessary Ghat Wadh Form No.13dated 13.01.1959, entry No.42 was also issued by the Director Settlement Survey and Land Records Office Hyderabad, showing an area of 13-14 acres including suit land of Deh Matli reserved for constructions of government buildings, and then building of Government Girls Degree College was constructed through the funding of respondents-United Energy Pakistan and the said building is still functioning. The official respondents/defendant No.1 further asserted that respondents/defendants No.4 and 5 without verification of their record as well as site visit had fraudulently mutated the suit land in favour of the applicants/plaintiffs and changed their foti khata badal. Thereafter the Executive Engineer Phuleli Canal Division Badin vide letter dated 21.05.2010 had immediately requested the E.D.O Revenue Badin for cancellation of all bogus/forged entries dated 19.12.2008 entered by the Mukhtiarkar concerned.

4. Respondents/defendants-United Energy Pakistan Limited in its written statement stated that it is a Company operating in district Badin since 1959 and working under various agreements with the government; that the company provided finance for construction of building of subject College and on

completion of building it was handed over to the Government and that they have no nexus and/or interest in the suit property.

5. Whereas the private respondents/defendants No.10 to 30 in their written statement while denying the allegations stated that no demarcation, as alleged by the applicants/plaintiffs, ever carried out and that they are not in possession of the suit property.

6. Out of diverging pleadings of the parties the trial Court framed the following Issues

- 1/- *Whether the plaintiffs have any legal character over the suit land and S.No.232 of Deh Matili is the ancestral property of the plaintiffs?*
- 2/- *Whether defendant No.3 E.D.O Revenue has illegally cancelled the Revenue entry No.368 to 381 dated 19-12-2008 of plaintiffs?*
- 3/- *Whether the defendants are in occupation of S.No.232 illegally, without any title over the suit land?*
- 4/- *Whether no cause of action accrued against the defendants?*
- 5/- *Whether suit is maintainable?*
- 6/- *Whether plaintiffs are entitled for the relief claimed?*
- 7/- *What should the decree be?*

7. On the aforesaid Issues the parties led their evidence and the learned trial Court finally after hearing counsel for the parties vide judgment and decree dated 30.03.20213 dismissed the suit of the applicants/plaintiffs. For the sake of convenience, the relevant observations contained in the trial Court's judgment are reproduced below:

ISSUE NO.1

".....In this regard exhibit 113-K clearly shows that the entries of plaintiff and other co-plaintiff has been already cancel vide order dated 4-2-2011 by E.D.O (R) Badin and to this regard plaintiff prefer no appeal. It is also on record that Govt. Girls College was physically handed over to Education Deptt: in 1994 and since then it is functioning but the plaintiff remain silent and himself admitted that he did not raise any objection before any competent authority during construction of Govt. Girls college. Further it is also admitted on record that Govt girls college was sanction in 1985/1986 and building of

Govt girls college was handed to Education Deptt: by UTP as per their scheme for welfare of their community but to this regard plaintiff remain silent for a period of 23 years without any reason and now he file this suit for obtaining declaration and cancellation which is not in accordance with law because under section 42 of specific relief act the plaintiff may file this suit within a period of three years for obtaining of declaration. The plaintiff also seek cancellation of registered sale deed date 9-7-1992 which also is against the law because article 120 of Limitation Act 1908, validity of any registered document or entry can be challenged within a period of three years. One has to keep in view as to how transaction or document has been changed, party aggrieved there from need to seek cancellation thereof within three years and apply for declaration that such document may be cancelled because the same has been incorporated against his right. Apart from this where principal and substantial relief is not cancellation of document but for declaration even then suit can be filed within six years under Article 120 of Limitation Act, 1908 after accrual of cause of action. So far as cause of action is concerned the same should have been accrued to plaintiff in 1988 at the time of construction of college. In this matter the construction of govt girls college was completed in 1994 and the old false entries were cancelled by EDO Badin, All these aspect shows that suit of the plaintiff is barred by law and fall's under the preview of Limitation Act. Moreover after cancellation of these entries vide order dated 01-04-2011 no further appeal was filed by the plaintiff.

In connection of this issue section 42 of Specific Relief Act 1877 clearly speaks that "Any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying, his title to such character. In present matter the plaintiff has no legal character over the suit land, therefore he has no right to sue against the defendants without having any title because his entries were already cancelled by competent authority.

Apart from this suit is also beard (barred) by law admittedly because Govt. Girls College was constructed in 1994 on S.No: 232 admeasuring 0-38 ghunta but since then the plaintiff was remain silent without any reason. In the light of above discussion this issue is decided as negative.

ISSUE NO.2

In respect of this issue it has been come on the record that bogus entries were kept on record by Mukhtiarkar Matli only on the basis of publication and no previous record of rights of plaintiffs ancestor was available. Therefore the E.D.O (R) Badin legally cancel such entries vide order dated 4-2-2011 because it is also admitted on record that since 1952 the suit land was property of Irrigation Deptt: Therefore this issue is decided as negative.

ISSUE NO.3.

As no legal demarcation of S.No: 232 was affected by competent authority even no valid order has been produce by the plaintiff therefore no question of illegal occupation over the suit land is arises. Hence this issue is decided as negative.

ISSUE NO.4

The plaintiff accrued no cause of action because he has no title in respect of suit land in his favour hence this issue is decided as affirmative.

ISSUE NO.5.

As it has been discussed in above issue that suit of the plaintiff is barred by law and falls under preview of Limitation Act because the Govt. Girls College was constructed 1994 and plaintiff filed this suit in 2010 with a delay of 23 years. Therefore this issue is decided as negative.

ISSUE NO.6.

This issue relates with plaintiff and to this regard plaintiff deposed in his deposition that the Govt has illegally constructed Govt. Girls College on S.No: 232 Deh Matli by receiving illegally funds from U.T.P without his consent because S. No: 232 was the property of his ancestors. He further deposed that govt girls college was constructed in 1994 and as per demarcation an area 0-38 ghunta of S.No: 232 is in Girls college and DSP house and Irrigation House are also constructed over it. He relied upon exhibit 113A to 113Y and all are issued by Revenue authorities but at the same time all these documents has been canceled by EDO (R Badin vide his order No: 97/2011 dated 4-2-2011 at Exhibit 113-K. So the plaintiff has no title with him in respect of suit land. The suit of the plaintiff is time bard and same is not maintainable, hence this issue la decided as negative.

ISSUE NO.7.

On the observation of above issues and in the light of evidence which is available on record the suit of plaintiff is dismissed with no order as to costs.

8. Against the aforesaid judgment and decree of the trial Court, the applicants/plaintiffs preferred Civil Appeal No.57 of 2013 before the learned Appellate Court, which met with the same fate vide judgment and decree dated 17.03.2016. The learned Appellate Court dismissed the appeal while observing that Government Degree College was constructed on the suit land and it was handover to the Education Department in the year 1994 but the applicants/plaintiffs remained silent for about 23 years and did not raise any objection hence their suit was barred by section 120 of Limitation Act, 1908 and further they have also failed to prove their right/title over the suit property. Hence the applicants/plaintiffs preferred this revision application against concurrent findings referred to above.

9. Learned counsel for the applicants/plaintiffs contended that both the Courts below misread and non-read material evidence; that learned trial Court has wrongly decided the Issue No.1, because survey No.232 is an ancestral property and the foti khata was changed in favour of the applicants/plaintiffs after making publication in newspaper(s); that suit of the applicants/plaintiffs was dismissed on the point of limitation despite the fact that property is ancestral one and limitation is not applicable in like matters; that no official from the Irrigation Department stepped into witness box, therefore, written statement filed on behalf of Irrigation Department was/is not liable to be considered under the law; that order passed by the E.D.O (Revenue) with regard to cancellation of entries was patently illegal and was not binding since the same was passed during pendency of the suit; that section 53 of the Sindh Land Revenue Act 1967 (**SLRA 1967**) provides that any person aggrieved by cancellation of entry can challenge the same through Civil Suit; that apex Court held time and again that Civil Court is competent to check the illegality of revenue authorities; that Courts below had failed to consider that applicants/applicants instituted the Suit under Section 42 of the Specific Relief Act 1877 since they were/are entitled for legal character and respondents/defendants denied their right and title over the suit property; that trial Court only considered the written statement filed by official respondents/defendants; that claim of the Irrigation Department that the ancestors of the applicants/plaintiffs had sold out the suit property to WAPDA in the year 1965 is totally erroneous and false; that Mukhtiarkar (Revenue) in his letter dated 16.03.2009 clearly stated that Irrigation Department had occupied the suit property, but Courts below have failed to consider the same; that no proceedings under Land Acquisition Act were ever carried out; that applicants/plaintiffs had filed application under Section 6 Rule VII CPC for amendment of plaint, that was allowed, but the trial Court has failed to frame Issue out of such pleadings; that the applicants/plaintiffs have right and title over the suit land but trial Court wrongly decided the Issue No.4 by holding that no cause of action accrued to the applicants/plaintiffs. He, while reiterating the grounds taken in memo of revision

application, prayed for setting aside the impugned judgments and decree and decreeing the suit as prayed for.

10. Despite notice, no one effected appearance on behalf of private respondents/defendants No.10 to 30. Whereas counsel appearing on behalf of respondents/defendants No.8 and 9 (United Energy Pakistan Ltd.) argued that these respondents/defendants were unnecessarily impleaded by the applicants/plaintiffs as these respondents/defendants being a Company only provided funds for constructions of College building and on completion of construction the same was handed over the to the Government (Education Department). He denied to have ever occupied the suit land.

11. It appears that the main contesting party in these proceeding is respondents No.1 to 7 viz: three Departments of Provincial Government, to whom Learned Assistant A.G is being representing, he vehemently opposed this revision application and argued that applicants/plaintiffs have failed to point out any illegibility or infirmity in the impugned judgments; that suit land belongs to Irrigation Department and the same was reserved for construction of government building and the applicants/plaintiffs have no right and title over the suit land; that in the year 1952 the Land Acquisition Officer had requested for reservation of part area of Survey No.231 and 232 for the purpose of construction of government buildings and on completion of formalities and payment of compensation to owners the possession was handed over to the Department concerned; that Ghat Wadh Form was also issued in the year 1959, showing an area of 13-14 acres of Deh Matli reserved for constructions of government buildings and building of Degree College was accordingly constructed and functioning since long; that both Courts below rightly held that suit is barred by limitation since applicants/plaintiffs filed the suit after about 23 years; that even the revenue entries were cancelled in the year 2011 but no appeal was preferred in this regard before the revenue hierarchy and the same fact was duly admitted by the applicant(s)/plaintiff(s) during evidence. He prayed for dismissal of revision application.

12. Arguments heard and record perused.

13. Minutely perusal of the record reflects that applicants/plaintiffs are not original allottee of the suit property, however, they founded their right and title over the suit property on the basis of entries dated 19.12.2008 in revenue record mutated by the respondents/defendants No.4 and 5 on the basis of alleged inheritance. The said entries were allegedly entered in the record of rights by the Mukhtiarkar concerned on the basis of publication, but the same were subsequently cancelled by the competent authority i.e E.D.O (Revenue.). It is a cardinal principle, reiterated time and again by the Supreme Court that mutation entries are made only for fiscal purposes. They neither confer nor extinguish proprietary rights (*mutationes sunt ad solutionem vectigalium, non ad probationem dominii*—mutations exist for the payment of revenue, not for proof of dominion). It was emphatically held that ownership of immovable property cannot be established merely by a mutation entry, therefore, the reliance of the applicants/plaintiffs on mutation as conclusive proof of title was legally untenable. In the case of Rehmat Noor¹ the Apex Court held that a mutation cannot by itself be considered a document of title. Relevant observations are reproduced below:

“.....There is no cavil with the proposition that a mutation is always sanctioned through summary proceedings and to keep the record updated and for collection of revenue such entries are made in the relevant Register under section 42 of the Land Revenue Act, 1967. It has no presumption of correctness prior to its incorporation in the record of rights. It is also settled law that entries in mutation are admissible in evidence but the same are required to be proved independently by the persons relying upon it through affirmative evidence. An oral transaction reflected therein does not necessarily establish title in favour of the beneficiary. A mutation cannot by itself be considered a document of title.² We also note that the respondent failed to prove the instrument of gift mutation in line with the requirement of Qanun-e-Shahadat, 1984, She examined only one witness of subject gift mutation.”

14. The applicants/plaintiffs claimed to have acquired their right from their ancestors, however at the time of recording evidence before the trial Court they have failed to produce any document to establish the right and title of their ancestors. It is settled principle of law that failure to establish/prove the basic instrument and/or declaration thereof as void and illegal will lead the entire superstructure built thereon to collapse automatically. Reliance can be placed on the case of Atta-ur-Rehman², wherein the Apex Court observed as under:

¹ 2023 SCMR 1645

² 2008 PLD SC 663

“.....It is well settled that when the basic order is without lawful authority and void ab initio, then the entire superstructure raised thereon falls to the ground automatically as held in Yousaf Ali v. Muhammad Aslam Zia (PLD 1958 SC 104). Reference by the learned counsel for the respondent No.3 to the case of Mehdi Abbas (supra) is of no avail, in that, it was not a case of recount, but Form XVII was revised by the Returning Officer on the direction of the Election Commission due to some error in the count.”

Underlined for emphasis

15. The aforesaid principle was again reiterated by the Apex Court in the case of Rehmat Noor³. Thus it can be held without hesitation that since the applicants/plaintiffs have failed to establish the basic right and title, therefore, they cannot claim any subsequent transaction in their favour, if any. It would be advantageous to reproduced follow the relevant observation drawn on by the Apex Court in referred case:-

“.....When the basic foundation of a fact was lacking, no legal superstructure could be built thereon-....”

16. So far as the argument advanced by the learned counsel for the applicants/plaintiffs with regard to cancellation of revenue entries during pendency of suit and filing of amended pleadings is concerned, Section 11 of Sindh Revenue Jurisdiction Act 1876 is very much clear, which provides that no Civil Courts has the jurisdiction to entertain any suit concerning any act or omission on part of the Revenue Officer unless the aggrieved person first proves that prior to filing of said Suit he/she had exhausted the remedies available to him/her before the revenue hierarchy under the law. It would be advantageous to reproduced below the Section 11 of the Act ibid:

“11. Suits not to be entertained unless plaintiff has exhausted right of appeal:- *No. Civil Court shall entertain any suit 1 [against the Government] on account of any act or omission of any act or omission of any Revenue-officer unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force as, within the period of limitation allowed for bringing such suit, it was possible to present.”*

It may be observed that Executive Engineer Phuleli Canal Division Badin vide letter No.GC/G-55/1253 of 2010 Badin dated 21.05.2010 filed a revision petition

³ 2023 SCMR 1645

under Section 164/2 of SLRA 1967 before Executive District Officer (Revenue) for cancellation of entries of record of rights dated 19.12.2008 which were mutated in the record of rights in favour of the applicants/plaintiffs by the Mukhtiarkar concerned on the basis of alleged claim of inheritance. The E.D.O (Revenue) vide Order dated 26.01.2011 (*Ex.118*) allowed the revision petition and cancelled the revenue entries dated 19.12.2008. It would be advantageous to reproduce the concluding paragraph(s) of the said Order hereunder:

“ Heard the parties and perused entire record. Revenue record comprises of the Deh Map, mutation register, survey record, Ghat Wadh Form, land Register etc. The land is in possession of the Irrigation Department since last 50/60 years. And on the site various Government structures are situated. The respondents were never in the possession of the land. The Foti Khata is done by the Mukhtiarkar after a period of 25 years after the death of the original owners from whom the land was already acquired, by the Irrigation department. The legal heirs of the land were sleeping for decades and all of a sudden in 2008, they felt for getting the foti Khatta done.

The land was rightly acquired by the Irrigation Department and was duly mutated in the record on VF-VII vide entry No: 42 dated 3.1.1959 showing the area of 11-21 acres under the building through Ghat Wadh form No:13, out of which 4-30 acres of S.No:232 and 1-01 acres of S.No:233 has gone under the building. An area of 0-08 acres out of S.No:233 vide Ghat Wadh Form No:8 has gone under the Matli-Tando Ghulam Ali road.

The petition is allowed and all the 14 Foti Khata entries bearing No:368 to 381 dated 19.12.2008 of VF VII-B are cancelled. Further the Deputy District Officer (Revenue) Matli/Mukhtiarkar (Revenue) Matli are directed for mutating the land in favour of the Irrigation Department.”

However, after cancelation of entries vide Order dated 26.01.2011, reproduced supra, if the applicants/plaintiffs were aggrieved/dissatisfied with the above order, they could have challenged the same before the next forum as provided under Section 164 of SLRA 1967, but despite availability of remedy they failed to exhaust the said remedy.

17. It was also argued by the learned counsel for the applicants/plaintiffs that Section 53 of Sindh Land Revenue Act 1967 confers jurisdiction in the Civil Court to adjudicate upon the suit like in hand. However, a bare reading of the said Section makes it clear that an aggrieved party can approach the Civil Court

seeking declaratory, but he/she has to prove to have in possession of the suit property. For the sake of easiness Section 53 of the Act 1967 is reproduced herein below:

“Section 53: Suit for declaratory decrees by persons aggrieved by an entry in a record.- If any person considers himself aggrieved by an entry in a record-of-rights or in a periodical record as to any right of which he is in possession, he may institute a suit for declaration of his right under Chapter VI of the Specific Relief Act, 1877 (Act I of 1877).” (Bold and underlined added for emphasis).

18. Admittedly applicants/plaintiffs were not in possession of the suit land, therefore, Section 53 of Sindh Land Revenue Act 1967 is not applicable in their case. Besides they did not challenge the order passed by E.D.O before competent forum/revenue hierarchy and it was also admitted by the applicant(s)/plaintiff(s) during course of the evidence before trial Court. It is well settled law that for seeking any relief, the individuals have to follow the law rather to bypass it. This view is fortified by the decision rendered in the case of Zahid Hussain and 10 others⁴, wherein it was observed as follows:

12. Section 11 of Sindh Revenue Jurisdiction Act, 1876 bars jurisdiction of Civil Court to entertain any suit which is filed on account of any act or omission of any Revenue Officer unless plaintiff proves that he has presented appeal allowed by the law for the time being in force within the period of limitation of such suit. Admittedly, applicants have not filed any appeal or revision before the Revenue Authority calling in question order passed by the respondent No.6, therefore, the suit of the applicants/plaintiff for declaration and injunction under Specific Relief Act, 1877 was barred under section 11 of Sindh Revenue Jurisdiction Act, 1876. Suffice it to say an order may not be in accordance with law or correct order or one passed in violation of mandatory provisions of law but it cannot be said that the same has been passed without jurisdiction. Revenue Courts have exclusively jurisdiction to determine matter pertaining to land, revenue, partition etc.

19. Now even if the argument of the applicants/plaintiffs, that after cancellation of entries they have filed amended pleadings that have not been considered, is taken into consideration, yet again they are not entitled to claim any relief as prayed for, for the reasons that neither they are in possession of the suit property nor they had filed any appeal before the revenue hierarchy, as provided under the law.

⁴ 2014 CLC 1334 - Sindh

20. Further, if only for the sake of considering the argument, it is taken into account that applicants/plaintiffs had some right and title over the suit property, yet their suit was barred by limitation, as admittedly, the building of college was constructed and its physically possession was handed over to the Education Department way back the year 1994, however, despite knowing the fact, the applicants/plaintiffs remained silent for about 23 years and neither they raised any objection before any forum nor filed proceedings as to compensation. Therefore, both Courts below have rightly observed that suit is barred by limitation. The concurrent findings recorded by Courts below are supported by official records and the admissions of the applicants/plaintiffs as well. I find no jurisdictional defect or material illegality, which may requires interference by this Court in exercise of revisional jurisdiction having limited scope. I am fortified in this regard by the case of *Muhammad Sarwar*⁵, wherein the Supreme Court has held as under:

6. It is well settled exposition of law, deducible from plethora of dictums laid down by superior courts that section 115, C.P.C. empowers and mete out the High Court to satisfy and reassure itself that the order of the subordinate court is within its jurisdiction; the case is one in which the court ought to exercise jurisdiction and in exercising jurisdiction, the court has not acted illegally or in breach of some provision of law or with material irregularity or by committing some error of procedure in the course of the trial which affected the ultimate decision. If the High Court is satisfied that aforesaid principles have not been unheeded or disregarded by the courts below, it has no power to interfere in the conclusion of the subordinate court upon questions of fact or law. In the case of Atiq-ur-Rehman v. Muhammad Amin (PLD 2006 SC 309), this Court held that the scope of revisional jurisdiction is confined to the extent of misreading or non-reading of evidence, jurisdictional error or an illegality of the nature in the judgment which may have material effect on the result of the case or the conclusion drawn therein is perverse or contrary to the law but the interference for the mere fact that the appraisal of evidence may suggest another view of the matter is not possible in revisional jurisdiction. So far as challenge to the concurrent findings of the courts below in the revisional jurisdiction of the High Court, this Court has held in the case of Ahmad Nawaz Khan v. Muhammad Jaffar Khan and others (2010 SCMR 984), that High Court has very limited jurisdiction to interfere in the concurrent conclusions arrived at by the courts below while exercising power under section 115, C.P.C. Similar view was taken in the case of Sultan

⁵ PLD 2022 SC 13

Muhammad and another v. Muhammad Qasim and others (2010 SCMR 1630) that the concurrent findings of three courts below are not opened to question at the revisional stage.

21. Above discussion lead me to hold that concurrent findings recorded by the Courts below are well-reasoned and do not suffer from any irregularity, illegality and/or jurisdiction defect, as such no interference is required on part of this Court. Accordingly, this revision application is dismissed being meritless.

JUDGE

Sajjad Ali Jessar