

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Civil Revision Appln. No. 42 of 2026

Applicants : 1) Ali Nawaz s/o Moula Bux
2) Liaquat Ali s/o Moula Bux
3) Khalil Ahmed s/o Muhammad Nawaz
Through Mr. Mushtaque Ahmed Shahani,
Advocate

Respondents : 1) Bilawal Memon s/o Shah Nawaz
2) Mukhtiarkar/ City Survey Officer,
Taluka & District Sukkur
3) Government of Sindh, through its Secretary,
Revenue Department Karachi

Date of hearing : 26.02.2026
Date of order : 26.02.2026

ORDER

KHALID HUSSAIN SHAHANI, J.— Through the instant Civil Revision Application preferred under Section 115 of the Code of Civil Procedure, 1908, the applicants call into question the validity and legal propriety of the judgment dated 19.12.2025 and the decree consequentially flowing therefrom, passed by the learned Additional District Judge-IV, Sukkur, in Civil Appeal No.80 of 2025, whereby the appeal instituted at the behest of the present applicants was dismissed for want of merit and the judgment and decree dated 23.06.2025 rendered by the learned Senior Civil Judge, Rohri, in F.C Suit No.85 of 2024 were affirmed and maintained in their entirety.

2. Learned counsel for the applicants was heard at length on the question of maintainability as well as on the merits of the matter, and with his assistance the material available on record was examined with due care and attention.

3. A dispassionate scrutiny of the record reveals that respondent No.1, as plaintiff, instituted a suit for declaration, possession and permanent injunction in respect of the immovable property bearing C.S No.D-516/190/1, situated at Memon Masjid Street, Barrage Road, Sukkur, asserting exclusive proprietary title on the strength of registered conveyancing documents supported by the relevant survey record. The applicants, as defendants, resisted the claim by asserting that their ancestors were co-sharers in the property and that they were in possession of the left-side portion thereof by virtue of such alleged co-ownership. The learned trial Court, after framing issues and recording evidence of the contesting parties, examined the documentary record including the registered sale deed, extracts of the property register card and the evidence of the City Surveyor, and concluded that the suit property measuring 111.1 square yards stood recorded in the title of Muhammad Bux son of Muhammad Sachal, from whom the proprietary interest devolved to Shahnawaz and thereafter to the plaintiff through Registered Sale Deed No.2656 dated 25.11.2015, thereby establishing a documented chain of title.

4. The learned trial Court further held that the defendants failed to produce any legally cognizable document of title in support of their claim. It was observed that the documents relied upon by the defendants, including voter lists and utility connection bills, were merely administrative or collateral in character and were incapable in law of conferring proprietary rights or displacing the plaintiff's registered title. The evidence of the City Surveyor was also examined and was found to corroborate the plaintiff's chain of title while simultaneously negating

the assertion that any portion of the suit property had ever been purchased by the predecessors of the defendants.

5. Upon reappraisal of the entire record, the learned appellate Court concurred with the findings recorded by the learned trial Court and affirmed the judgment and decree dated 23.06.2025. The appellate Court held that the findings recorded by the trial Court were supported by the documentary record and that no illegality, irregularity, or misreading of evidence had been shown which could warrant interference in appeal.

6. It is a settled principle that the revisional jurisdiction conferred upon this Court under Section 115 of the Code of Civil Procedure is limited and supervisory in nature. Such jurisdiction is invoked only where the subordinate court has exercised jurisdiction not vested in it by law, has failed to exercise jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity. A revision cannot be treated as a substitute for a regular appeal nor can it be used as a forum for reappraisal or re-evaluation of evidence merely because another view of the evidence may be possible.

7. Upon examination of the impugned judgments, it appears that both the courts below have carefully considered the pleadings of the parties, framed the necessary issues arising therefrom, and evaluated the oral as well as documentary evidence placed on record. The findings recorded by the learned trial Court, and subsequently affirmed by the learned appellate Court, are based upon the registered conveyance in favor of the plaintiff, the supporting survey record, and the testimony of the City Surveyor. In contrast, the defendants relied primarily upon their alleged possession and certain documents of an administrative nature, which were rightly held by the courts below to be insufficient in law to

establish proprietary title or to defeat the plaintiff's registered ownership.

8. The plea of long possession advanced by the applicants was also considered by the learned trial Court, which held that where a claim of ownership is supported by a registered instrument of conveyance and the corresponding official record, mere possession unsupported by any legally recognized title document cannot prevail over such proprietary interest. The defendants failed to demonstrate any lawful source of title in themselves or in their predecessors which could displace the chain of title established by the plaintiff through registered documents. The suit having been founded upon title coupled with the allegation of unlawful dispossession, the question of limitation was also correctly addressed by the courts below, and no material has been brought on record to show that the suit was barred by any provision of law.

9. In these circumstances, the findings returned by the courts below are findings of fact based upon proper appreciation of the material available on record. No jurisdictional defect, material illegality, perversity, or misreading or non-reading of material evidence has been pointed out which could justify interference by this Court in exercise of revisional jurisdiction under Section 115 C.P.C. The revisional jurisdiction of this Court does not extend to reassessing the evidence merely to arrive at a different conclusion when the courts below have already returned concurrent findings supported by the record.

10. In the present case, learned counsel for the applicants has not been able to demonstrate that the courts below exercised jurisdiction not vested in them by law, failed to exercise jurisdiction so vested, or acted in the exercise of their jurisdiction with material irregularity. The

impugned judgments reflect proper appreciation of the evidence and application of the relevant legal principles, and the conclusions reached therein cannot be characterized as perverse or contrary to the record.

11. Where two courts of competent jurisdiction have independently appreciated the evidence and arrived at concurrent findings of fact, such findings ordinarily do not call for interference in revisional jurisdiction unless shown to be the result of jurisdictional error, patent illegality, or misreading or non-reading of material evidence. No such circumstance has been demonstrated in the present case.

12. For the foregoing reasons, this Civil Revision Application, being devoid of merit, is dismissed in *limine* along with all pending application(s), if any. No order as to costs.

J U D G E