

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C. P No. S – 156 of 2025
[Province of Sindh and others vs. Pooran Mal and others]

Fresh case

1. For orders on office objection at flag 'A'
2. For orders on CMA No.509/2025 (Ex.A)
3. For orders on CMA No.510/2025 (S/A)
4. For hearing of main case

27.01.2026

Mr. Ahmed Ali Shahani, Assistant AG Sindh for the Petitioners

ORDER

Muhammad Jaffer Raza, J- Through instant Petition, learned counsel appearing for the petitioners has impugned the order dated 10.03.2025 passed in Civil Revision No.06 of 2025 by the Court of Additional District Judge-III, Ghotki. Vide such impugned order the civil revision application preferred by the petitioners was dismissed. The said Civil Revision Application was preferred against the order dated 19.12.2025, which was passed by Senior Civil Judge, Ghotki in F.C Suit No.49 of 2020. The order dated 19.12.2024 was passed on the application preferred by Respondent No.1 under Article 76 of the Qanun-e-Shahadat Order, 1984 seeking permission to give secondary evidence of documents which were no longer in his possession.

Learned counsel has contended that the dismissal of the Revision Application preferred by the petitioners and allowing of the application preferred under Article 76 will seriously prejudice the case of the petitioners and the original documents were all at the relevant times in the possession of Respondent No.1.

Article 76 of the Qanun-e-Shahadat, 1984 envisages a situation in which secondary evidence may be given as defined under Article 74 of the said Order. The circumstances in which secondary evidence can be given are enumerated very clearly under Article 76. It is evident that one of the circumstances, in which secondary evidence may be given, is that if the document is lost or is in the possession of another party. It is evident through the affidavits preferred by respondent No.1 that the respondent is not in possession of the noted documents and, therefore, the learned trial Court as well as appellate Court have correctly appreciated Article 76 of the Order. It is further noted that under Article 76, it is only the document which will be exhibited as secondary evidence and the same by no stretch of the imagination means that the said documents stand proved. Needless

to mention that the petitioners will have the liberty to cross examine the respondent No.1 on the said document to ascertain its veracity and genuineness.

Having said the above, no case of interference is made out, the instant Petition is dismissed in ***limine*** along with listed applications.

Judge

ARBROHI