HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Civil Revision Application No.S-211 of 2024

[Mataro and 02 others v. Muhammad Qasim and 02 others]

Applicants	:	1) Mataro s/o Muhammad Siddique 2) Muhammad Bux s/o Muhammad Siddique 3) Assad s/o Mataro Through Mr.Subash Sharma, Advocate
Respondents No.1	:	Muhammad Qasim s/o Naseer Through Mr.Pervez Akhter Talpur, Advocate
Respondents No.2 & 3 by	:	Mr. Ghulamullah Memon, Additional A.G Sindh
Dates of Hearing	:	27.04.2026 & 18.05.2026
Date of Decision/Short order	:	18.05.2026
Date of reasons	:	25.05.2026

O R D E R

ARBAB ALI HAKRO J:- The present Civil Revision Application under section 115 C.P.C. has been filed by applicants/defendants No.3 to 5, calling in question the judgment and decree dated 22.02.2024 passed by the learned District Judge/Model Civil Appellate Court, Tharparkar at Mithi (the **"appellate court")** in Civil Appeal No.38 of 2023, whereby the appeal filed by respondent No.1/plaintiff was allowed, the judgment and decree dated 30.11.2023 passed by the learned Senior Civil Judge-II, Mithi (the "trial Court") in F.C. Suit No.131 of 2018 was set aside and the suit was decreed, with a consequential direction to the Deputy Commissioner, Tharparkar to secure restoration of possession of Begoti No.91/2 to the plaintiff through the Mukhtiarkar (Revenue), Kaloi.

2. The factual matrix, as pleaded in the plaint and borne out from the record, is that respondent No.1/plaintiff Muhammad Qasim claimed to be the lawful owner of Begoti Nos.91/1, 2 (09-14 acres), 74/1 (04-00 acres) and 117/3 (03-34 acres),

total admeasuring 17-08 acres, situated in Deh Bhitaro, Taluka Kaloi (old Diplo), District Tharparkar. He pleaded that the said barrage agricultural land was granted to him by the Government on “Harap” basis in 1977; that he paid the price in instalments; that T.O. Form No.39 dated 24.09.2003 was issued in his favour and that on its basis, entry No.26 dated 25.06.2004 was made in Deh Form VII-B in his name and the revenue record was maintained accordingly. He further averred that even prior to the grant, he was in possession of the land without objection. As to the cause of action, the plaintiff pleaded that in the year, 2011, due to heavy rains and floods, the present applicants, being his poor relatives, requested temporary shelter; that he permitted them to raise katcha houses on a portion of his land, namely Begoti No.91/2 admeasuring 02-00 acres (hereinafter “the suit land”), on the clear understanding that they would vacate after the rainy season. He asserted that after the situation normalized, he repeatedly requested them to vacate; that they sought further time on the pretext that their own houses had been destroyed; that ultimately they refused, started quarrelling and began raising pacca construction on the suit land and that about two months prior to the suit, they brought cement and bricks on tractor-trolleys and threatened him when he objected. He also pleaded that a false FIR No.18/2018 was lodged at P.S. Kaloi, in which defendants No.4 and 5 acted as mashirs to pressurize him to abandon his claim. On these assertions, the plaintiff instituted suit seeking a declaration that he is the lawful owner of the suit land (Begoti No.91/2, 02-00 acres) as per entry No.26 of the revenue record; a declaration that defendants No.3 to 5 have no right to occupy or raise construction thereon; a decree for possession; mandatory injunction for removal of their katcha and pacca structures and permanent injunction restraining further construction or alienation.

3. The official defendants (Government of Sindh through Secretary Revenue, and Mukhtiarkar (Revenue), Kaloi) were served but chose not to file written statements despite the opportunity and were debarred from doing so vide order dated 28.11.2018. Applicant/defendant No.5 filed a written statement, which was adopted by defendants No.3 and 4. They categorically denied the plaintiff’s

ownership and possession, alleged that Form-A and T.O. Form had been managed in collusion with lower revenue staff and asserted that the Mukhtiarkar (Revenue), Diplo, had passed an order dated 05.01.1989 declaring Begoti No.91/1,2 and 91/3 as “Asaish/Gaucher” land reserved for villagers, uncultivated and in possession of no one. They further pleaded that they were not residing on the suit land but on adjacent government “Asaish” land used for grazing; that the plaintiff was attempting to include area of other survey numbers and to occupy more land; that the dispute was essentially of demarcation, triable by revenue authorities; that the suit was barred by section 172 of the Sindh Land Revenue Act, 1967, section 11 of the Sindh Revenue Jurisdiction Act, 1876 and sections 42, 54, 55, 8 and 9 of the Specific Relief Act and that no cause of action had accrued.

4. On the basis of the pleadings, the trial Court framed issues, inter alia, regarding maintainability of the suit; the legal effect of the Mukhtiarkar’s objection to the grant; whether defendants No.3 to 5 had been illegally occupying 02-00 acres in Begoti No.91/2 since 2011 and whether such area was liable to be restored to the plaintiff.

5. In evidence, the plaintiff examined himself at Ex.29. He produced Zamimo/Pato for 1973, an allotment order dated 31.10.1977, an instalment clearance certificate dated 30.09.2003, the Mukhtiarkar’s letter dated 04.10.2003 to the Tapedar and entry No.26 dated 25.06.2004 of Deh Form VII-B (Ex.29/A to 29/E). He also produced four land revenue receipts (Dhal) for different crop seasons between 1987 and 2000 (Ex.29/F-i to 29/F-iv). He deposed that he was allotted the land on Harap basis in 1977, paid the price in instalments, obtained T.O. Form No.39 dated 24.09.2003, and that the land was mutated in his name vide entry No.26. He reiterated that he remained in possession till 2011, when he allowed the applicants temporary shelter on Begoti No.91/2 and that they later refused to vacate and started pacca construction.

6. The plaintiff then examined Veerji, Tapedar, Tapo Bhitaro, as PW at Ex.32. The Tapedar produced entry No.26 dated 25.06.2004 from the register of Deh Form VII-B

(Ex.32/A), showing that Begoti Nos.91/1,2, 74/1 and 117/3, total 17-08 acres, were entered in the plaintiff's name on the basis of T.O. Form No.39 dated 24.09.2003 and order of the District Officer (Revenue) dated 30.09.2003. He verified that the land revenue receipts produced by the plaintiff were issued from the Mukhtiarkar's office and bore official seals.

7. Abdul Ghaffar, Mukhtiarkar (Estate), Tharparkar, was examined as PW at Ex.33. He produced a compromise order dated 13.06.1977 passed by the Additional Commissioner, Hyderabad Division (Ex.33/A), Qabooliat (agreement) in respect of the allotment (Ex.33/B), Form-A (Ex.33/C), and T.O. Form No.39 dated 24.09.2003 (Ex.33/D). Another official witness, Abdul Hafeez, clerk from the office of Executive Engineer, Mithrao Division, Mirpurkhas, appeared at Ex.38 and produced his employment card (Ex.38/A), a water share list showing the plaintiff's name at serial No.27 with description of the land (Ex.38/B), and a map of the watercourse (Ex.38/C). The plaintiff's side then closed its evidence.

8. In rebuttal, applicant/defendant No.5 Asad Ali, also acting as special attorney of defendants No.3 and 4, appeared as DW at Ex.83. He produced a special power of attorney (Ex.83/A), a certified copy of a map dated 05.01.1989 issued by the Mukhtiarkar, Diplo, showing Begoti No.91/1,2 and 91/3 as Gaucher/Asaish land (Ex.83/B), primary school certificates of villagers (Ex.83/C to 83/G), electricity bills (Ex.83/H to 83/M), and CNICs/MNICs of villagers (Ex.83/N to 83/R), to show that they had been residing in village Naseer Hingorjo since long. Another private witness, Allah Bachayo, was examined at Ex.84. The defendants then closed their side.

9. On an application under Order XVIII Rule 18, C.P.C., moved by the plaintiff's counsel, the learned trial Court appointed the Assistant Commissioner, Taluka Kaloi, as Commissioner to inspect the site. The Assistant Commissioner visited the spot, examined the record, and submitted a report dated 31.10.2023, along with copies of the entries and photographs. He reported that entry No.141 of Deh Form VII-A and entry No.155 of Deh Form VII-B in respect of the suit land in the

plaintiff's name were written in red ink. He opined that the entries appeared "suspicious" and that the land had been illegally mutated in the plaintiff's name.

10. After hearing the parties, the trial Court vide judgment dated 30.11.2023, held that the suit was not maintainable. He concluded that the dispute essentially related to demarcation and definition of boundaries, for which a complete mechanism existed under sections 117 and 122 of the Sindh Land Revenue Act, 1967 and Rules 67-A and 67-B of the West Pakistan Land Revenue Rules, 1968; that the plaintiff had either not availed or not exhausted, the revenue remedies; that the jurisdiction of the civil court was barred by section 172(2)(xiii) of the Sindh Land Revenue Act and section 11 of the Sindh Revenue Jurisdiction Act and that the prayer for declaration was also hit by Article 120 of the Limitation Act.

11. Respondent No.1/plaintiff preferred Civil Appeal No.38 of 2023 before the appellate Court. The appellate Court, after re-appraisal of the evidence, held that the plaintiff’s ownership of the land, including Begoti No.91/2, stood proved through the allotment order, Qabooliat, T.O. Form, revenue entries, land revenue receipts and water share list; that the defendants had failed to rebut this documentary evidence or to establish any title or lawful authority over the suit land; that their own documents (school certificates, electricity bills, CNICs) did not confer any right in the suit land and that the Assistant Commissioner’s report, while noting red-ink entries, in fact confirmed that entries in the plaintiff’s name existed in the record. The appellate Court further held that the case did not fall within the exclusive domain of revenue authorities, as the plaintiff sought declaration of title and recovery of possession from permissive occupants whose possession had turned hostile; that permissive possession could not ripen into title; that the bar under section 172 of the Sindh Land Revenue Act was misconstrued by the trial Court and that the plea of limitation was misconceived in view of the continuing and recurring cause of action culminating in the defendants’ overt denial of title and commencement of pacca construction shortly before the suit. The appeal was allowed; the trial Court's judgment and decree were set aside; the suit was

decreed, and the Deputy Commissioner, Tharparkar, was directed to secure the restoration of possession of Begoti No. 91/2 to the plaintiff through the Mukhtiarkar (Revenue), Kaloi.

12. Aggrieved, the present applicants/defendants No.3 to 5 have invoked the revisional jurisdiction of this Court under section 115, C.P.C., seeking the setting aside of the appellate judgment and restoration of the trial Court's dismissal.

13. Learned counsel for the applicants, while assailing the impugned appellate judgment, contended that the plaintiff's foundational title was not proved. He argued that the Zamimo/Pato at Ex.29/A showed total area of 12-13 acres, whereas the plaint claimed 17-08 acres; that the Mukhtiarkar's letter, Form-A, T.O. Form and water share list all reflected different areas (15-25, 15-35 and 17-14 acres respectively), which rendered the plaintiff's case inherently doubtful. He submitted that the plaintiff failed to produce the original grant order of 1977 on the basis of which entry No.26 was made; that column No.6 of entry No.26 in Deh Form VII-B did not mention any specific order number; that the instalment receipts for the alleged Harap grant were not produced and that the Assistant Commissioner's report clearly recorded that the relevant entries in Deh Forms VII-A and VII-B were in red ink and "suspected", showing that the land had been illegally mutated in the plaintiff's name and was in fact government Gaucher/Asaish land. Learned counsel further argued that the applicants had produced a certified map dated 05.01.1989 showing Begoti No.91/1,2 and 91/3 as Gaucher land reserved for villagers, as well as school certificates, electricity bills and CNICs evidencing their long-standing residence in village Naseer Hingorjo since 1994-95, which the appellate Court failed to appreciate. He maintained that the dispute was essentially of demarcation and boundary, falling squarely within sections 117 and 122 of the Sindh Land Revenue Act and Rules 67-A and 67-B, and that the civil suit was barred by section 172(2)(xiii) of the said Act and section 11 of the Sindh Revenue Jurisdiction Act. He also pressed the plea of limitation, submitting that the plaintiff himself pleaded that the applicants' occupation commenced in 2011,

whereas the suit was filed on 04.07.2018; that the cause of action did not revive with each subsequent demand; and that the declaratory relief was barred by Article 120 of the Limitation Act. He lastly urged that the appellate Court misread and ignored material evidence, travelled beyond the pleadings and passed a stereotype, non-speaking judgment, thus attracting revisional interference. In support of his contentions, he relied upon case law reported as 2022 SCMR 55, 2022 SCMR 189, 2022 SCMR 859, 2020 SCMR 483, 2020 SCMR 1618, 2010 SCMR 1630, 2024 YLR 2303, 2024 YLR 2342, 2024 MLD 1111 and 2021 CLC 1748.

14. Learned counsel for respondent No.1/plaintiff supported the impugned appellate judgment and adopted its reasoning. He submitted that the plaintiff's title stood firmly established through a chain of official documents: the order of the Additional Commissioner dated 13.06.1977, Qabooliat, Form-A, T.O. Form No.39 dated 24.09.2003, the District Officer (Revenue)'s order dated 30.09.2003, entry No.26 of Deh Form VII-B, land revenue receipts spanning several years and the water share list and map from the Irrigation Department. He argued that these documents, proved through official witnesses, carried a presumption of correctness and could not be brushed aside on the basis of conjectural objections about area variations, particularly when the suit concerned only a defined portion, i.e., 02-00 acres of Begoti No.91/2. He contended that the applicants had not produced any order cancelling or even questioning the grant or mutation in favour of the plaintiff; that the 1989 map merely showed a reservation for Gaucher purposes but did not ipso facto extinguish a validly granted Harap allotment, and that the applicants' own stance was self-contradictory, as they simultaneously claimed that neither party had any right in the land and yet resisted eviction. Learned counsel further submitted that the applicants' possession was permissive, as pleaded and deposed, and that permissive possession can never ripen into title. He argued that the bar under section 172 of the Sindh Land Revenue Act did not apply to a suit for declaration of title and recovery of possession against private trespassers, where any demarcation issue was merely incidental; that the trial

Court had misapplied the revenue jurisdiction case law and that the appellate Court had correctly distinguished those precedents. On limitation, he submitted that the cause of action was continuing and recurring, culminating in the overt denial of title and commencement of pacca construction in 2018; that the suit, which also sought possession, was within time even on the broader limitation applicable to suits based on title and that in any event limitation was a mixed question of law and fact, properly resolved by the appellate Court. He urged that the revisional jurisdiction under section 115, C.P.C., was narrow; that the appellate Court's findings were based on proper appreciation of the evidence and law; and that no jurisdictional error, illegality, or material irregularity had been shown to warrant interference. In support of his contentions, he relied on case law reported as 2015 SCMR 21, 2010 SCMR 473, 2006 CLC 401, 2005 YLR 167, 2017 MLD 1369, 2002 YLR 2653, PLD 1996 Lahore 171, 1999 CLC 106, and 2010 CLC 1028.

15. Learned Assistant Advocate-General Sindh, appearing for the official respondents, did not fully support either of the judgments below. He submitted that government land was involved, inasmuch as the 1989 map and the Assistant Commissioner's report indicated that Begoti Nos. 91/1, 91/2, and 91/3 were reserved as Gaucher/Asaish land. He pointed out that under the Qabooliat, the land was allotted for Harap (agricultural) purposes, whereas, on his own showing, the plaintiff had permitted the applicants to use it for residential purposes, in breach of the terms of the grant. He, however, left the matter to the Court, emphasizing that any adjudication should keep in view the public character of Gaucher/Asaish land and the applicable colonization and revenue laws.

16. Heard arguments and perused the record.

17. At the outset, it is necessary to recall the limited scope of interference under section 115, C.P.C. The revisional Court does not sit as a third Court of fact. Interference is warranted only where the subordinate Court has exercised a jurisdiction not vested in it by law, failed to exercise jurisdiction so vested, or acted in the exercise of its jurisdiction illegally or with material irregularity, resulting in

miscarriage of justice. Even where the findings of the trial and appellate Courts diverge, the revisional Court's remit remains confined to jurisdictional and legal errors, not mere re-appraisal of evidence.

18. In the present case, the trial Court dismissed the suit primarily on two legal grounds: first, that the dispute was essentially of demarcation and boundary, falling within the exclusive domain of revenue authorities under sections 117 and 122 of the Sindh Land Revenue Act and Rules 67-A and 67-B and thus barred by section 172(2)(xiii) of the Act and section 11 of the Sindh Revenue Jurisdiction Act and second, that the declaratory relief was barred by limitation under Article 120 of the Limitation Act. The appellate Court, on the other hand, found that the suit was maintainable, that the bar under section 172 was misconstrued, that limitation did not defeat the claim, and that, on merits, the plaintiff's title and the applicants' illegal occupation stood proved. The question before this Court, therefore, is whether the appellate Court, in reversing the trial Court, committed any jurisdictional error or acted illegally or with material irregularity.

19. The first and central issue is the true nature of the dispute. The applicants have strenuously urged that the controversy is one of demarcation and boundary definition, which falls within the exclusive jurisdiction of the revenue authorities. It is correct that sections 117 and 122 of the Sindh Land Revenue Act, read with Rules 67-A and 67-B of the West Pakistan Land Revenue Rules, 1968, provide a detailed mechanism for defining the limits of estates and lands and for eviction of persons found in wrongful possession as a result of demarcation proceedings. It is equally correct that section 172(2)(xiii) bars the jurisdiction of civil Courts in matters which the Government, Board of Revenue or any revenue officer is empowered by the Act to dispose of or in respect of the manner in which such powers are exercised. This principle has been applied in cases where the lis is confined to demarcation, correction of revenue entries or challenges to orders passed by revenue authorities in exercise of their statutory powers.

20. However, the present suit is not a simple demarcation petition in disguise. The plaintiff came to Court asserting a substantive civil right: a declaration of his title to the suit land; recovery of possession from the private defendants, whose possession he pleaded was permissive and now illegal; and injunctive relief. The applicants, in their written statement, did not merely say that the boundaries were uncertain; they categorically denied the plaintiff's title, alleged fraud in the grant and mutation and asserted that the land was government Gaucher/Asaish land in which neither party had any proprietary right. They also claimed, in the same breath, that they were not on the suit land but on adjacent government land. The core controversy thus encompasses title, the character of the land and the legality of the applicants' occupation. Any question of precise boundary or demarcation is incidental to and not determinative of the plaintiff's cause of action.

21. It is well-settled that where the main relief sought is declaration of title and recovery of possession against private persons, the civil Court's jurisdiction is not ousted merely because some aspect of the dispute may touch upon revenue entries or require demarcation as an ancillary step. The bar under section 172 is to be construed strictly; it does not extend to suits of a civil nature where the plaintiff asserts proprietary rights and seeks ejectment of trespassers, even if the land is recorded as government land, unless the statute expressly so provides. The trial Court conflated a demarcation proceeding under section 117 with a title and possession suit, and thereby declined jurisdiction on an erroneous legal premise.

22. The appellate Court correctly appreciated this distinction. It noted that the plaintiff's claim was founded on a Harap grant, Qabooliat, T.O. Form and revenue entries and that the applicants' defence was a denial of title coupled with an assertion of government Gaucher status. It further observed that the applicants themselves had not invoked the revenue demarcation machinery, nor had any revenue authority cancelled or even questioned the grant or mutation in favour of the plaintiff. In these circumstances, to non-suit the plaintiff on the ground that he should first seek demarcation under section 117 was to deny him access to the

civil Court for adjudication of his civil rights. I find no illegality in the appellate Court's conclusion that the suit was maintainable and not barred by section 172 or section 11 of the Sindh Revenue Jurisdiction Act.

23. The second legal ground taken by the trial Court was limitation. The trial Court treated the plaintiff's own pleading that the applicants came into occupation in 2011 as the starting point and held that the declaratory relief was barred by Article 120 of the Limitation Act when the suit was filed in July 2018. This approach is overly simplistic and ignores both the nature of the possession pleaded and the subsequent events. The plaintiff's case, consistently in the plaint and evidence, is that the applicants' initial entry was permissive, as licensees allowed temporary shelter due to floods, with an express promise to vacate after the rainy season; that he repeatedly extended time on humanitarian grounds; that they kept him on false hopes and that only when they started raising pacca construction and openly denied his title, backed by a false criminal case, did the cause of action crystallize into an actionable denial of his rights. The suit was filed within months of the commencement of pacca construction and overt denial.

24. In law, permissive possession does not become adverse until there is a clear and unequivocal assertion of hostile title communicated to the true owner. The limitation period in suits based on title to possession of immovable property runs from the date the defendant's possession becomes adverse, not from the date of the initial permissive entry. Even for declaratory relief, where the plaintiff is in constructive possession or the defendant's possession is initially permissive, limitation is computed from the date of a clear denial of title. The appellate Court correctly held that the applicants' possession was permissive and that their subsequent conduct in 2018, when they commenced pacca construction and denied the plaintiff's ownership, gave rise to a fresh and continuing cause of action. In any event, the suit also sought possession, which, on the facts pleaded, fell within the broader limitation applicable to suits based on title. Limitation, being a mixed question of law and fact, was properly addressed by the appellate Court on

the evidence; no perversity or misapplication of the statute has been shown to justify revisional interference.

25. Turning to the merits, the plaintiff's title to the land, including Begoti No.91/2, rests on a chain of official documents: the compromise order of the Additional Commissioner dated 13.06.1977 (Ex.33/A); the Qabooliat (Ex.33/B), whereby he accepted the terms of the Harap grant; Form-A (Ex.33/C), the District Officer (Revenue)'s order dated 30.09.2003; entry No.26 of Deh Form VII-B dated 25.06.2004; land revenue receipts spanning 1987 to 2000 (Ex.29/F-i to 29/F-iv) and the water share list and map from the Irrigation Department (Ex.38/B and Ex.38/C). These documents were proved through official witnesses, whose testimony remained unshaken. The Tapedar and Mukhtiarkar (Estate) both confirmed the existence and authenticity of the entries and forms. The land revenue receipts bear official seals and correspond to the same survey/block numbers. The water share list shows the plaintiff's khatedari for the same blocks.

26. The applicants' attack on this documentary edifice is largely technical and speculative. They point to variations in the total area mentioned in different documents (12-13, 15-25, 15-35, 17-08, 17-14 acres) and argue that the plaintiff himself is unsure of the actual area. However, the suit is confined to a specific portion, namely 02-00 acres of Begoti No. 91/2, which has consistently been included in the block numbers mentioned in all documents. Minor discrepancies in total area figures, often arising from consolidation, measurement adjustments or clerical errors, do not, in the absence of any cancellation or adverse order, vitiate the grant or mutation. The applicants have not produced any order of the Board of Revenue, Commissioner or any competent authority cancelling the Harap grant, the T.O. Form or entry No.26. Nor have they initiated any proceedings to have the entries declared void. Their plea that the entries were "managed" in collusion with lower staff is a bald allegation unsupported by any cogent evidence.

27. The Assistant Commissioner's report, heavily relied upon by the applicants, does not carry the legal effect they ascribe to it. The report notes that entries in

Deh Forms VII-A and VII-B in the plaintiff's name are written in red ink and opines that they are "suspected" and that the land was "illegally mutated". However, the Assistant Commissioner was appointed as a local Commissioner under Order XVIII Rule 18, C.P.C., to inspect the site and report factual conditions. He did not exercise any statutory appellate or revisional jurisdiction over revenue entries. His opinion on the legality of mutations is, at best, an administrative impression, not a binding adjudication. Moreover, the fact that he traced and produced entries in the plaintiff's name confirms their existence in the record. If the Government or the Board of Revenue considered those entries illegal, it was incumbent upon them to initiate appropriate proceedings for cancellation. No such action is on record. In these circumstances, the appellate Court was justified in treating the Assistant Commissioner's report as corroborating the existence of entries, while declining to accept his legal opinion as determinative of title.

28. The applicants' own documentary case is notably weak. The certified map dated 05.01.1989 (Ex.83/B) shows that Begoti No.91/1,2 and 91/3 were reserved as Gaucher/Asaish land. Even if this is accepted at face value, it does not automatically nullify a prior or subsequent Harap grant duly sanctioned by the competent authority, unless the grant is shown to be ultra vires or cancelled. No such challenge has been mounted. The school certificates, electricity bills, and CNICs (Ex.83/C to 83/R) merely show that certain persons have been residing in the village Naseer Hingorjo and consuming electricity; they do not confer any proprietary right in the suit land. The applicants did not examine any revenue officer to support their assertion that the land is still government Gaucher land and that the plaintiff's entries are void. Their plea that neither party has any right in the land sits ill with their resistance to eviction and their continued construction.

29. The appellate Court, in a reasoned judgment, weighed the plaintiff's documentary and oral evidence against the applicants' material and found the former to be cogent and the latter insufficient to dislodge it. It also correctly applied the principle that documentary evidence, particularly official records, ordinarily

prevails over oral assertions and that permissive possession cannot mature into title. I find no misreading or non-reading of material evidence in its analysis. On the contrary, it is the trial Court that appears to have given undue weight to the Assistant Commissioner’s opinion and the demarcation argument, while failing to grapple with the plaintiff’s chain of title documents.

30. Learned A.A.G.’s concern that Gaucher/Asaish land and colonization laws may be implicated is not without significance in the broader policy context. The Qabooliat and Harap grant undoubtedly impose conditions, including use for agricultural purposes. The plaintiff's Act of allowing his relatives to use the property temporarily may, in theory, constitute a breach of the grant conditions. However, two points are decisive for present purposes. First, no competent authority has, to date, taken any action to cancel the grant or resume the land on that ground. The civil Court cannot, in a collateral proceeding between private parties, assume the role of the colonization authority and declare the grant void in the absence of any such proceedings. Second, the applicants themselves claim no title under the Government; they do not assert that they are allottees or lessees; they merely rely on the alleged Gaucher status to resist eviction. Even if the Government were to resume the land in future for breach of conditions, that would be a matter between the Government and the grantee or his successors, not a basis for private trespassers to entrench themselves. The appellate Court’s decree, therefore, does not prejudice any future lawful action the Government may take under colonization or revenue laws; it merely adjudicates the inter se rights of the parties before the Court on the basis of existing records.

31. The applicants have also argued that the appellate judgment is a "stereotype" and non-speaking. The record belies this contention. The appellate Court framed clear points for determination, summarized the pleadings and evidence, addressed the trial Court's reasons on maintainability and limitation, analyzed the documentary and oral evidence, discussed the Assistant Commissioner's report, and applied relevant case law on permissive possession,

documentary evidence, and civil Court jurisdiction. It may not have cited every authority mentioned at the bar, but it engaged with the substance of the legal issues. A judgment need not be prolix to be reasoned; it suffices if the Court's path of reasoning is discernible and grounded in the record and law. I am satisfied that the appellate judgment meets this standard.

32. In sum, the appellate Court exercised the jurisdiction vested in it, re-appraised the evidence, corrected the trial Court’s misapplication of section 172 and limitation and decreed the suit on the basis of a coherent appreciation of the record. No jurisdictional defect, illegality, or material irregularity in the exercise of its jurisdiction has been demonstrated. The applicants’ attempt is, in essence, to invite this Court to re-evaluate the evidence and substitute its own view for that of the appellate Court, which is impermissible in revisional proceedings.

33. The reasons for my short order dated 18.05.2026 are set out above. This Civil Revision Application is devoid of merit and is accordingly dismissed. The impugned judgment and decree dated 22.02.2024, passed by the Appellate Court, are upheld.

JUDGE

Adnan Ashraf Nizamani